HOUSE OF REPRESENTATIVES.

TUESDAY, *July 30, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal spirit, father of all souls, we thank Thee for the precious thought taught and exemplified in the life and character of the Jesus of Nazareth which tends to solidify all nations into one family; that what hurts one nation hurts all the peoples of the world; what helps one helps Thy children everywhere; hence our hearts go out in sympathy for the stricken and mourning people of Japan in the loss of their beloved Emperor who has led them through all the vicissitudes attending their country for 40 years, ever onward and upward, to the betterment of conditions in the home, society, and government. Teach them that God lives and reigns in the hearts of men. Grant, O most merciful Father, that they may find in the new Emperor one who will lead them on to the betterment of conditions in the arts of peace, happiness, and good will, and Thine be the praise in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects.

The message also announced that the Senate had passed the following order:

Ordered, That the Secretary of the Senate communicate to the House of Representatives an attested copy of the answer of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, to the articles of impeachment.

STREET RAILWAY, TERRITORY OF HAWAII.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 18041, with a Senate amendment, and to concur in the amendment.

Mr. STEPHENS of Texas. There is a special order to-day.

The SPEAKER. The legislative situation is that there is a special order giving the gentleman from Texas [Mr. STEPHENS] right of way with the Indian appropriation bill.

Mr. STEPHENS of Texas. That bill is H. R. 20728.

The SPEAKER. The gentleman from Virginia says it will only take a minute in this case. If the gentleman from Texas will yield to the gentleman from Virginia, why, the Chair is willing to entertain the request.

Mr. STEPHENS of Texas. I withhold, as I understand this is merely to correct a mistake.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The SPEAKER. What is the amendment?

Mr. FLOOD of Virginia. To insert the word "freight."

The SPEAKER. The Clerk will report the amendment.

The Senate amendment was reported.

Mr. FLOOD of Virginia. I desire to say that the word "freight" was in the bill when it was first reported from the Committee on the Territories. In some way it was not printed, and the committee ordered a reprint in order to get that word in, and when the bill passed the House in some way the original print was passed instead of the reprint, and the bill went to the Senate, and there the word "freight" was inserted in it because the House wanted it done and the Senate thought it proper it should be done. That is the only amendment to the bill.

Mr. MANN. Is it not rather an important amendment?

Mr. FLOOD of Virginia. It is.

Mr. MANN. The bill as read to the House, a copy of the bill which I had as reported to the House, did not contain the word "freight."

Mr. FLOOD of Virginia. The committee intended that word to be in the bill, and I believe the House thought it was there at the time it was passed.

Mr. MANN. I am sure the House did not think it.

Mr. FLOOD of Virginia. At any rate, it ought to be there, and the Senate has put it in. The fact that the word was in the bill as reported was discussed when the matter was before the House, because I remember stating that the only objection to this bill came from a steam railroad that this electric line was to parallel for a short distance, and that the steam road did not want the electric line to have the right to carry freight. This amendment gives that right, and without this amendment it might not have the right to carry freight. With this amendment left out the steam railroad will have accomplished by a mistake what it could not accomplish directly.

Mr. MANN. The steam railroad had no occasion to accomplish anything in the House——

Mr. FLOOD of Virginia. It tried to do it.

Mr. MANN. Because the committee reported the street railway franchise without the word "freight" in it.

Mr. FLOOD of Virginia. It was reported with the word "freight" in it, but in the printing of the bill the word "freight" was left out, and then the committee ordered a reprint with the word "freight" in it, and by some mistake when the bill passed the House the original print was passed instead of the reprint.

Mr. MANN. Of course the committee did not have any authority to order a reprint. The print of a bill when it is reported to the House is not made by the committee but by the House. This bill was not printed with the word "freight" in it.

Mr. FLOOD of Virginia. The second print had the word "freight" in.

Mr. MANN. Another print was made that Members of the House did not have and the Clerk will not have. We got the printed bill as reported, and we are entitled to believe that is the print of the bill as reported. Now, this is a very important matter, as to whether a street car franchise should include freight. I am not going to object to the request, but it seems to me a very careless way of enacting legislation.

Mr. FLOOD of Virginia. The carelessness was not mine or that of the Committee on Territories.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table this bill and concur in the Senate amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16518. An act for the relief of the Fifth-Third National Bank of Cincinnati, Ohio; and

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 122. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 20728, the special order for this morning.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, I think that order has already been made by unanimous consent.

Mr. MANN. I think not. That would restrict the time of debate to five minutes to any Member who obtained the floor. The gentleman from Colorado [Mr. RUCKER] desires some time and I might need some time myself.

The SPEAKER. The RECORD shows that this order was agreed to on July 25, 1912, and it states:

On motion of Mr. STEPHENS of Texas, by unanimous consent, *Ordered*, That on Tuesday next, immediately after the reading of the Journal, the bill H. R. 20728, with Senate amendments, be taken from the Speaker's table and considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas. Now, Mr. Speaker, I move that all the Senate amendments to this bill be disagreed to and conferees be appointed on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that this bill be taken from the Speaker's table and all the Senate amendments disagreed to.

Mr. MANN. Mr. Speaker, it is already taken from the Speaker's table under the order. Now, the gentleman from Colorado [Mr. RUCKER] desires time to discuss one of the amendments. I suggest he take the time now.

Mr. UNDERWOOD. Mr. Speaker, I think there should be a limitation in this time, and I hope before the gentleman from Texas [Mr. STEPHENS] yields the floor that he will insist on an agreement as to time, and hold the floor and yield it himself.

Mr. STEPHENS of Texas. Mr. Speaker, I believe under the rule I am entitled to an hour, and I think that is all we should devote to the bill.

Mr. MANN. Under the rules the gentleman would be entitled to five minutes.

The SPEAKER. If it is considered in the House as in the Committee of the Whole House on the state of the Union, undoubtedly the five-minute rule prevails. That is one of the chief objects of considering it in that way.

Mr. BURKE of South Dakota. This unanimous-consent order that was obtained was under an arrangement made by the chairman of the committee and the gentleman from Colorado [Mr. RUCKER] by which it was understood the gentleman from Colorado was to have some time to discuss the amendment upon which I understand he desires to make a motion to concur.

Mr. MANN. It was understood he was to have an hour's time.

The SPEAKER. There was something said about an hour. There is not any question about that, although the memory of the Chair concerning it is somewhat hazy.

Mr. STEPHENS of Texas. That was on yesterday.

Mr. UNDERWOOD. There was nothing said. If the suggestion had been made, I would have objected.

Mr. BURKE of South Dakota. That was a private arrangement of the gentleman from Texas [Mr. STEPHENS], and I will say to the gentleman from Alabama [Mr. UNDERWOOD] that, so far as the chairman of the committee and other members of the committee are concerned, I think they are opposed to the amendment of the gentleman from Colorado, but they will consume very few minutes, even if the gentleman from Colorado is given an hour.

Mr. UNDERWOOD. My objection to this matter is that there are four important bills here on the Speaker's table that ought to go to conference—three tariff bills and the sundry civil bill—and I think no lengthy delay ought to be occasioned. I hope the gentleman can agree on a reasonable time for debate.

Mr. STEPHENS of Texas. Let the gentleman have 30 minutes by unanimous consent, if the House will agree to that, and I think we will not need that much time in reply on our side.

Mr. RUCKER of Colorado. I really understood last night that there was a tentative agreement that I should have an hour in which to present this matter.

Mr. MANN. Mr. Speaker, the other day when this matter was up I first objected to sending this bill to conference without consideration, in the temporary absence of the gentleman from Colorado [Mr. RUCKER]. It was stated then privately among gentlemen that he desired an hour's time, and it was agreed among them that he ought to have the hour's time if the bill can be disposed of from the Speaker's table; and it was only in that way that unanimous consent was granted, and I think he should have his hour's time.

Mr. STEPHENS of Texas. We would be willing, I think, on our side to accept 15 minutes if the gentleman will agree to use only 45 minutes on his side. It is only one amendment.

Mr. BURKE of South Dakota. So far as the amendment is concerned on which the gentleman from Colorado desires to make a motion to concur, I think the debate ought to be limited to an hour, the gentleman from Colorado [Mr. RUCKER] to have 45 minutes and the gentleman from Texas [Mr. STEPHENS] to control 15 minutes. I do not know how much time other gentlemen may desire in which to discuss this bill as to any other amendments. So far as I am concerned, I do not desire to discuss any amendment.

Mr. RUCKER of Colorado. That is satisfactory to me.

Mr. UNDERWOOD. Mr. Speaker, I have no objection to that arrangement, unless there is going to be unlimited time consumed with other amendments, and if we are going to make an agreement as to division of time, I think there should be an entire agreement as to that division.

Mr. BURKE of South Dakota. My suggestion was only with reference to this particular amendment. I do not know that there is any other amendment to the bill that any gentleman desires to debate.

Mr. MANN. There are several amendments in the bill that I desire to discuss. I am perfectly willing to take a limited time.

Mr. STEPHENS of Texas. What time does the gentleman from Illinois [Mr. MANN] desire?

Mr. MANN. Under the circumstances, 15 minutes. Possibly I will not use that.

Mr. STEPHENS of Texas. An hour and a quarter. Would that be satisfactory, then?

Mr. UNDERWOOD. I think so, if the gentleman asks that all debate on the proposition be closed at a quarter of 1.

Mr. MANN. There are 57 amendments to this bill——

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that debate be closed on the bill and amendments, and final vote be taken at 15 minutes to 1, and the previous question be considered as ordered at that time.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that debate on this bill and amendments close at 15 minutes before 1 o'clock, at which time the previous question shall be considered as ordered.

Mr. MANN. What is the request?

The SPEAKER. That the debate on this bill and amendments close at 15 minutes to 1 o'clock, and at that time the previous question be considered as ordered.

Mr. MANN. How is the time to be controlled?

Mr. STEPHENS of Texas. Fifteen minutes by myself, 15 minutes by the gentleman from Illinois [Mr. MANN], and 45 minutes by the gentleman from Colorado [Mr. RUCKER].

Mr. MANN. Fifteen minutes to me?

Mr. STEPHENS of Texas. Fifteen minutes to the gentleman from Illinois.

Mr. MANN. Would that still give the right to move to concur after the previous question?

Mr. STEPHENS of Texas. I understand the gentleman from Colorado [Mr. RUCKER] intends to move to concur in amendment No. 91.

The SPEAKER. As at present advised, the Chair thinks after the previous question is ordered it does not cut out a motion to concur.

Mr. MANN. It certainly does not.

The SPEAKER. Is there objection?

Mr. MILLER. Reserving the right to object, I want to be clear about how this time is to be divided.

Mr. STEPHENS of Texas. Fifteen minutes on the part of the committee, 15 minutes on the part of the gentleman from Illinois [Mr. MANN], and 45 minutes on the part of the gentleman from Colorado [Mr. RUCKER].

Mr. MILLER. Mr. Speaker, may I ask if it is not rather unusual, when the Indian appropriation bill is to be considered, that the committee is to have 15 minutes, and the gentleman from Illinois [Mr. MANN] a like amount, and the gentleman from Colorado [Mr. RUCKER] 45 minutes?

Mr. STEPHENS of Texas. We are trying to arrive at an agreement, so as to save time.

Mr. MILLER. That may all be true, but several other members of the committee may have something that they care to say on the same question that was raised by the gentleman from Illinois [Mr. MANN]. I do not care to say anything, so far as I am concerned, but if the gentleman from Illinois is to have 15 minutes, which seems to be somewhat incongruous, and if the arrangement is made in order to accommodate him, I think it is entirely right, yet I do not think——

Mr. MANN. I am entitled to 15 hours, if I care to take it, under the rules.

Mr. MILLER. The gentleman from Colorado [Mr. RUCKER] is looking out for his State, and——

The SPEAKER. Is there objection?

Mr. MILLER. I object to that arrangement.

Mr. ROUSE. Regular order!

Mr. UNDERWOOD. Then, Mr. Speaker, we shall have to proceed under the five-minute rule.

Mr. MANN. I give notice now that there will be no more bills taken from the Speaker's table by unanimous consent and disagreed to if such an arrangement as this is not kept.

Mr. UNDERWOOD. When the gentleman from Illinois will point out arrangements that are made in this House they will be observed, but when the gentleman makes a private arrangement without the knowledge of the floor leader on this side he can not expect that it will be observed. The suggestion came from that side of the House, and——

Mr. MANN. This bill was taken from the Speaker's table the other day by unanimous consent, with the distinct statement that the gentleman from Colorado [Mr. RUCKER] should have an hour's time.

Mr. UNDERWOOD. If the gentleman will refer to that statement in the RECORD, the arrangement will be observed.

Mr. MANN. It may not be in the RECORD. If private arrangements made in good faith can not be observed to the conduct of a bill, we will have the regular order all the time.

Mr. CARTER. Mr. Speaker, I want to submit a request for unanimous consent, and that is that we have one hour and a half of debate, 15 minutes of which shall be controlled by the gentleman from Illinois [Mr. MANN], 45 minutes by the gentleman from Colorado [Mr. RUCKER], and 30 minutes by the committee.

The SPEAKER. That would run to 1 o'clock, instead of 15 minutes to 1.

Mr. CARTER. Yes; it would last 15 minutes longer.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent that this debate close at 1 o'clock. The Chair supposes that the request of the gentleman from Texas [Mr. STEPHENS] as to the previous question goes with it?

Mr. CARTER. Yes.

Mr. MANN. I understood that he requests certain time.

The SPEAKER. Yes. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent that debate on these amendments and this conference report close at 1 o'clock, and that at that time the previous question shall be considered as ordered and that the gentleman from Illinois [Mr. MANN] shall have 15 minutes, the committee 30 minutes, and the gentleman from Colorado [Mr. RUCKER] 45 minutes.

Mr. UNDERWOOD. Now, Mr. Speaker, reserving the right to object, I wish to make this statement. I desire to give gentlemen on the floor of this House a reasonable opportunity to consider these bills. I have no desire to do otherwise. But, with four important bills awaiting the action of the House to go to conference, which, if not disposed of, will delay the final adjournment of this Congress, I want gentlemen to understand from now on that if they desire to make a division of time by agreements on the floor of this House and want this side of the House to carry out such agreements, they must either put them in the RECORD or communicate with the floor leader on this side of the House.

Mr. MANN. Then I shall make no private agreements of any kind, after this bill is disposed of, with the gentleman from Alabama.

Mr. UNDERWOOD. I think the gentleman is right about that. I do not think they should be made.

Mr. MANN. They are made frequently with this side by the gentleman from Alabama, and carried out.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. CARTER]? [After a pause.] The Chair hears none. It was stated that the request of the gentleman from Texas [Mr. STEPHENS], to the effect that at 1 o'clock the previous question be considered ordered, should be a part of the request made by the gentleman from Oklahoma [Mr. CARTER]. Is there objection to that? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Before that begins, 5 minutes' time has gone. We can not have 15 minutes and 30 minutes and 45 minutes by 1 o'clock.

The SPEAKER. That will make it 5 minutes after 1 o'clock.

Mr. STEPHENS of Texas. Mr. Speaker, amendment No. 91 is the amendment that is objected to by the gentleman from Colorado [Mr. RUCKER]. That amendment reads in this way:

(91) That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000 and interest thereon at the rate of 5 per cent per annum from September 16, 1884, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees promulgated August 17, 1846, and which award was approved by the Secretary September 16, 1884, and his action reaffirmed April 26, 1886.

This matter has been before Congress for many, many years. I hold in my hand a statement from the Secretary of the Interior, dated July 24, 1912, in which this language is used:

Amendment No. 91, page 35, beginning with line 7, authorizes the Secretary of the Interior to pay $5,000 to the administrator of the estate of John W. West, together with interest thereon at the rate of 5 per cent per annum from September 16, 1884, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees, promulgated August 17, 1846, and which award was approved by the Secretary of the Interior September 16, 1884, and since reaffirmed. This claim has been pending before the department, this office, and Congress for a great many years. It has been carefully investigated and reconsidered a number of times. D. W. C. Duncan, commissioner on the part of the Cherokee Nation, and J. Q. Tufts, United States Indian agent, appointed pursuant to the seventh article of the treaty of 1846, reported in favor of the claim of the heirs of John W. West in the sum of $5,000, together with a "moderate rate of interest" thereon.

The Secretary of the Interior says in regard to a similar bill, on which he reported on December 26, 1911, that—

The department during the last 25 years has made a number of reports on the claim in question. The department, in its report dated December 26, 1911, said that "in view of the history of this claim, the action heretofore made thereon, and the long delay in the prosecution thereof," it would not be justified in recommending the passage of H. R. 6544.

That bill (H. R. 6544) is in the exact language of the amendment No. 91, proposed to be concurred in by the gentleman from Colorado [Mr. RUCKER]. If we concur in this amendment, we do it over the objection of the department, made in a letter dated Washington, D. C., March 3, 1910, in which we find this language:

The claim of certain heirs of John W. West was so interwoven with this case that the record is very voluminous. Bills were introduced in Congress for the relief of the heirs of John W. West on at least two occasions, but were never passed. Nothing in the record shows that these improvements were ever appraised at $42,000, as alleged by the attorneys in this case.

The case having been fully considered and long since closed, it is not thought that any action should be taken in the matter. There is nothing in the record to show that E. C. Alberty, who appears to have employed Messrs. Kight and Lee, is in any way related to any of the parties to the claim. Bluford West was without children, and Nancy Markham, his former wife, also appears to have died without issue. It has been held that John W. West, being an emigrant Cherokee, had no title and had never been awarded any part of the estate either by Congress or by any action of the Cherokee Nation, and if Alberty claims as an heir of the John W. West estate, there is nothing due him.

Very respectfully,

JESSE E. WILSON, *Assistant Secretary.*

In the face of these adverse reports the Senate has put on this appropriation bill amendment No. 91, for the purpose of taking out of the treasury of the Cherokee Nation $5,000 and paying this old stale claim. The Senate has also added amendments amounting to between $7,000,000 and $8,000,000. Many of these amendments are claims similar to this. If this House is willing to pass this West claim, then it instructs your committee in effect to admit the rest of these claims, amounting to several million dollars, as proper legislation on this Indian appropriation bill.

This class of amendments has no place on an appropriation bill, and should not be considered here. This West bill is on the Private Calendar of this House and can be called up under the rules of the House, when it can be thoroughly discussed and its merits can be fully understood and discussed by the House. We should not submit to these claims being placed upon our appropriation bills in the other body in violation of our rules and brought here, as is done in this case, in the hope that we will have to take them as a whole or reject them as a whole.

I reserve the balance of my time.

The SPEAKER. The gentleman from Colorado [Mr. RUCKER] is recognized for 45 minutes.

Mr. RUCKER of Colorado. Mr. Speaker, it is early in the morning and I trust that your eyes are clear. I want simply to brush the cobwebs away from this proposition. I want to address myself first to the lawyers of this body, and next I want to address myself to the laymen in behalf of the justice of this claim.

There are many duties devolving upon Members of Congress. The amount of money involved in this claim is small, $5,000 with interest, amounting in all to $10,000, and I do not believe there is any lawyer in this body who would have undertaken to go through this record and look at it from a lawyer's standpoint for as much money as there is involved in it.

I want to begin by saying that while it is an old claim, and laches has been set up as an objection against it, I am going to develop the fact that the laches has been upon the part of the Cherokee Nation and the Government of the United States, and was not chargeable to the claimants who are now asking for this relief. Not one of these claimants is a constituent of mine. I do not know one of them personally. I was chosen as the chairman of a subcommittee to examine this claim, and I want to say in this connection that before I was honored with membership upon the Indian Committee I discussed this case with the chairman of the committee, who in 1909 put in a similar bill, of which this is a verbatim copy, for the allowance of this claim, and when he replies I am going to ask him to tell us what change has come over the spirit of his dreams to make him reverse the judgment that he formed when he introduced that bill in behalf of these claimants whose claim he is now opposing.

Something has been said to the effect that this claim should not be paid because John W. West was not a Western Cherokee; that he was an Eastern Cherokee, and therefore did not come within the treaty; and that the award made by the commission, regularly appointed pursuant to said treaty, in favor of these claimants may be disregarded on that account. Upon that point some proof has been offered that some children of John W.

West were put upon the roll of the Eastern Cherokees; but I have a letter, written day before yesterday by the commissioner, showing that the original claimant, John W. West and his children, were enrolled in 1851 by the Cherokee authorities as Western Cherokees.

I have this letter before me, but will not take the time to read it. But aside from this, there is positive proof that John W. West was a Western Cherokee, as set out in the report of the committee—House Report No. 820, this Congress—wherein the committee says upon this point:

As to the third objection, viz, that John W. West was an Eastern Cherokee, the record, among other things shows: The commission in its report states that the salt deposit was discovered by Bluford West in 1832, and traces the work done in the development of the property down to October 30, 1843, and then adds:

"All this time John W. West was living about 2 miles from the saline (Testimony, p. 101). * * * John did not work himself, but he worked his two negroes, Bill and Jake. Jake was the blacksmith (Testimony, pp. 102, 117, 131–132, 134; Exhibit F). Some time in the winter of 1841–42 Bluford West, John W. West, and David Vann came to the house of Joe Vann and entered into a contract of partnership for the purpose of operating the saline, each partner taking a third interest (Exhibit F). * * * Political troubles having arisen, the work upon the saline was discontinued, and the Wests were compelled, out of regard to their own safety, to abandon the nation (Testimony, pp. 156, 102; Exhibits I, F2). John W. West settled in Washington County, Ark. * * * Prior to this time [the winter of 1841–42] the saline had been Bluford West's individual property, but John W. West had labored with Bluford from the beginning in helping to develop it." (Testimony, pp. 19, 102, 131–132, 134; Exhibit F.)

This is positive testimony that John W. West was in the nation in 1832 and remained until 1844, when, because of the political troubles and out of regard to his own safety, he was compelled to abandon the nation. As the finding of the commission is clear that he was there in 1832, it follows, of necessity, that John W. West was a Western Cherokee. In addition to this proof we find in the report of the commission appointed in 1844 (S. Doc. 140, 28th Cong., 2d sess., pp. 41–43) positive proof that John W. West was a Western Cherokee. The following question was submitted by the commission to the Cherokee authorities:

"Question. State the relative number and description of official stations held by the 'old settlers' (Western Cherokees) for each year since June, 1840."

The answer contains a list only of the Western Cherokees who held office in the nation from 1839 to 1841, inclusive, in which list (p. 43) the name of John W. West appears. Opposite his name are the letters "T. P.," meaning "treaty party," which was composed of those Western Cherokees who favored the treaty of 1839 between the Eastern and Western Cherokees. In addition to this positive testimony there has been filed with the committee the following telegram, signed by a son of John W. West, deceased, which is corroborative of the official record:

[Telegram.]

PORUM, OKLA., *May 28–29 m.*

WEBSTER BALLINGER,
1415 G Street NW., Washington, D. C.:

I only know what my father told me. He came to the Cherokee Nation with his parents in 1830, then located near the salt well, and in the year 1834 went back to Tennessee after his family and returned in 1835.

JOHN C. WEST.

This proof your committee believes conclusively establishes that John W. West was a Western Cherokee. No evidence has been presented to your committee by the attorney for the Cherokee Nation in support of his statement that John W. West was an Eastern Cherokee, except the alleged fact that the names of certain of the children of John W. West were enrolled by judgment of the Court of Claims in 1910 as Eastern Cherokees. Upon this alleged evidence your committee is asked to set aside the finding of the commission in 1883, which finding was based upon positive evidence. This your committee declines to do. It is significant in this connection that D. W. C. Duncan, the Cherokee commissioner, who, it must be assumed, knew the facts with reference to John W. West, never challenged or questioned the fact that he was a Western Cherokee. But if he were, in fact, an Eastern Cherokee, your committee does not believe that fact would have deprived the commission of jurisdiction of his claim. John W. West acquired an interest in the property at the commencement of the work in 1832, and his interest was defined and recognized as a one-third interest in the contract with his brother, Bluford, which was signed by them in the winter of 1841–42 and before the confiscatory act of October 30, 1843. He did his part in the development of the property and paid partnership debts after dispossession. Neither he nor his heirs have ever received one cent for the property taken. The Cherokee commissioner, D. W. C. Duncan, representing the Cherokee Nation, heard and considered his claim and joined in the award. The Cherokee Nation is therefore, by all the rules of conscience, estopped from raising this question.

I want to say to you lawyers that I am bulwarked in the position I take by a unanimous decision rendered by a commission appointed under treaty of 1846, whereby a representative of the Cherokee Nation was appointed by the Cherokee authorities and a representative of the United States was appointed in accordance with that treaty to hear and finally determine this claim. You have the report before you and it is not necessary for me to read it. The seventh article of that treaty provides:

The value of all salines which were the private property of individuals of the Western Cherokees and of which they were dispossessed, provided there be any such, shall be ascertained by the United States agent and a commissioner, to be appointed by the Cherokee authorities; and should they be unable to agree they shall select an umpire, whose decision shall be final, and the several amounts found due shall be paid by the Cherokee Nation or the salines returned to their respective owners.

The Cherokee Nation refused, for years and years, to appoint its commissioner. Finally the Secretary of the Interior, Mr. Teller, whom you all know, who served as long in the United States Senate, I think, as any other Senator, and who was a painstaking official, decided that the Cherokee Nation had been derelict in its duty in not appointing its commissioner, and demanded the immediate appointment by the nation of its commissioner.

Secretary Teller, in a letter to the Commissioner of Indian Affairs dated November 27, 1882, said:

The treaty provided specifically how the value of the claims for salines should be ascertained and settled.

This treaty provision, enacted into law, has not been complied with; its nonfulfillment is entirely due to the neglect of the Cherokee authorities to appoint a commission to act with the United States agent in fixing the value of the saline.

The Cherokee Nation should follow the treaty. * * * The United States and the Cherokee Nation are alike bound by the treaty, * * * and to see to its fulfillment for the benefit of those whose interests are specially involved in the provisions thereof. * * * The agent should be instructed to advise the proper authorities of the Cherokee Nation that he is ready to proceed under the provisions of the treaty to value the salines * * * and to request the nation to appoint a commissioner to act with him, as required by the treaty, in the matter.

Pursuant to these instructions the commission was appointed, D. W. C. Duncan being appointed by the Cherokee authorities, and John Q. Tufts, the United States Indian agent, acting for the United States.

The treaty required that if the two commissioners did not agree a third, an umpire, should be chosen to determine the difference, if there should be any. Conforming to the evidence, both of these commissioners agreed that John W. West was entitled to a one-third interest in this saline deposit, and a unanimous award was made in his favor for $5,000, and the commission suggested that as the claim was for property actually taken such reasonable rate of interest should be allowed as would be in accord with the dictates of equity and good conscience, the exact finding of the commission being in part as follows:

It is the opinion of this commission that John W. West, in his lifetime, and at the date of his death, was justly entitled to a one-third interest in the saline in question, and that by means of his death his heirs or legal representatives have rightfully succeeded to the same.

As to who these heirs are, see testimony, page 100.

If the valuation ($15,000) approved by this commission should be sustained, then there will be due the heirs of John W. West the sum of $5,000.

As to the matter of interest the commission would only suggest that the claim is for property that was actuall taken, and of the use of which the claimants and their testator have been unjustly deprived. It would seem that some moderate rate of interest would be in accord with the dictates of equity and good conscience.

A rehearing was asked before Secretary Teller, which was denied. In concluding his opinion, Secretary Teller says:

I therefore decline to reconsider the decision of the department of August 29, 1883, for the purpose of declaring that that part of the report of the commission relating to John W. West, or his heirs, is outside of the scope of their duties under the treaty. In the decision of August 29, 1883, your recommendations "that the heirs of John W. West should be left to pursue their remedy before the Cherokee authorities, if they see fit, without interference in their behalf by the department," was concurred in.

It now appears by papers filed by Allen Gilbert, as attorney and agent for the heirs of John W. West, deceased, that the claimants presented said claim to the Cherokee National Council held in November, 1883, praying for its allowance and payment; that the said council adopted a report adverse to the payment of the claim, made by a committee of that body; and that said council still refuses to pay the claim, or any part thereof. In view of these facts he claims that it is the right of the United States Government, as a party to the treaty, to insist on its fulfillment by the Cherokee Nation, and he therefore prays that such steps may be taken by this department as will secure the rights of the claimants. The treaty provided that if the United States agent and Cherokee Commission fail to agree, "they shall select an umpire, whose decision shall be final, and the several amounts found due shall be paid by the Cherokee Nation, or the salines returned to their respective owners."

The Cherokee Nation has not only failed but refuses to comply with the terms of the treaty. There are no funds to the credit of the Cherokee Nation out of which this department can order payment of the amount claimed by the heirs of John W. West, deceased, and as it is therefore not considered within the power of this department to enforce payment of the claim without special legislation by Congress therefor, the matter should be presented to the Congress for appropriate action.

In order to do this you will prepare and submit the necessary papers in proper form to be laid before Congress at the approaching session.

Succeeding Secretary Teller was Secretary Lamar, whom you all knew of, than whom there was never a more efficient Secretary of the Interior. No more painstaking lawyer ever served upon the Supreme Bench of the United States. He heard this case and also confirmed and approved the findings of this commission. Concluding his decision, Secretary Lamar says:

No new evidence has been presented since the decision of September 16, 1884. The hearing took place on 22d and 23d instant, and all the matters stated in argument by the attorneys and counsel have been carefully considered, and the conclusion reached is that no good and sufficient reason has been shown for disturbing the decision on the claim of August 29, 1883, reaffirmed by decision of September 16, 1884.

On the other hand, it is made more clearly to appear that the action already had on the case was right and just. Bills having been introduced in the present Congress (S. 2048, H. R. 7499) for the relief of the heirs of John W. West, deceased, and sent to the department by the Senate and House Committees on Indian affairs for reports, and this day referred to your office, you are hereby instructed to prepare and submit to this department the information called for to be forwarded to those committees.

Now, what else do you want? The only authority fixed by the treaty of 1846, the commission, unanimously found in favor of John W. West for $5,000. That decision was reviewed by Secretary Teller and reopened by Secretary Lamar, and the findings of the commission were in all respects reaffirmed by both Secretaries.

So I say if you will only get the cobwebs away from your eyes and look at this thing from a legal standpoint you will see that the opposition to this claim has not one leg to stand upon.

There is much testimony. All these people are dead. We had to go back many years to find what the testimony was in examining *not only* into the ownership but the value of this saline deposit. The commission in its finding says:

At this time—

Speaking of the time when this well was being operated—

John W. West was living about 3 miles from the saline.

The commission refers to the testimony, page 101, which is within the call of any Member of this House.

Bluford West was living on the saline premises.

The commission again refers to the testimony, giving the page.

At this time the work was carried on by the joint labor of the entire West family, John, Bluford, and Ezekiel. John did not work himself, but he worked his two negroes, Bill and Jake. Jake was the blacksmith.

And if you will observe the minority report, it refers to the fact that when this commission went there and made this examination they talked with the blacksmith, who said that they had been working upon this saline deposit for about three years.

Some time during the winter of 1841 Bluford West, John W. West, and David Vann came to the house of Joe Vann and entered into a contract of partnership for the purpose of operating the saline, each partner taking a third interest.

Now, gentlemen, bear in mind that this testimony is uncontradicted from any source whatever. If they went into a partnership, each partner having a third interest, John W. West had a third interest. It turned out afterwards that Vann purchased the kettles with which to carry on the work, but afterwards withdrew from the firm. That would seem as if it left John W. West and Bluford West one-half interest each, but that claim is not made here. We are still claiming that he only had a one-third interest. Yet the testimony is sufficient to lay the foundation for a claim that he was entitled to one-half instead of one-third.

It seems David Vann purchased the kettles with which to carry on the work, but he withdrew from the firm (Exhibit F); and political troubles having arisen, the work upon the saline was discontinued, and the Wests were compelled, out of regard to their own safety, to abandon the nation. (Testimony, pp. 102, 156; Exhibit I. F. 2.) John W. West settled in Washington County, Ark. Bluford West left his family on the saline place and went to Washington, D. C., on business, and there, in 1844 or perhaps in 1845, died. (Testimony, p. 12; Exhibit I. F.) Nancy West, widow, remained on the saline premises till 1850, and then voluntarily abandoned the place because of the decay of the improvements. (Testimony, p. 23.) In 1849 the witness B. W. Alberty and his brother, William Alberty, attempted to work the saline, but being admonished that it was national property they desisted.

I do not know what purpose the Assistant Secretary had in bringing Alberty into the case in the letter that was read by the chairman of the committee, because that does not pertain to this claim in any way whatever. That was the claim that they sought to make afterwards, after the claim had been abandoned by the Wests.

Mr. STEPHENS of Texas. Mr. Speaker, he simply claimed to be an heir of John W. West, and our contention is that John W. West was an Eastern Cherokee and was not entitled to anything whatever.

Mr. RUCKER of Colorado. I have not seen any record whatever that he claimed to be any heir of West. He did not enter upon these premises by reason of any heirship, but he went there for the purpose of inaugurating a new claim upon this saline. As to this question, whether he was a Western Cherokee or an Eastern Cherokee, the Secretary disposes of the matter, as any lawyer, in my judgment, would, by this statement:

The preamble of the treaty of 1846 sets out that "whereas serious difficulties have for a considerable time existed between the different portions of people constituting and recognized as the Cherokee Nation of Indians, which it is desirable should be speedily settled, so that peace and harmony may be restored among them."

No violence is done to the terms of the treaty by entertaining a claim of any Cherokee Indian to an interest in one of said salines, when such interest was acquired from a Western Cherokee. Such a claim is considered as fairly and reasonably provided for by the treaty.

I take it that any lawyer would say that a purchaser from a Western Cherokee, even though the purchaser were an Eastern Cherokee, would get the title that the Western Cherokee had, even though, as I say, he had been an Eastern Cherokee, which is a disputed fact, because it appears from all of this testimony that these people went there about the same time. John W. West went back to Tennessee, and was gone about a year. He went there to bring out his family, and by reason of his absence it might have been supposed that he was not a Western Cherokee. However that may be, as I say, it is a fundamental proposition of law that whoever has the title may dispose of it to whomsoever he will, and that title will become good, even though the treaty provided that the Western Cherokees should only be the beneficiaries; and so the Secretary of the Interior, Justice Lamar, used that language in discussing and disposing of the question whether this man was a Western or an Eastern Cherokee.

Here is the proposition: Here is a solemn treaty entered into between the United States and the Cherokee Nation, the provisions of which could not be deviated from. The carrying out of these provisions must accord with the treaty, and the treaty provided that the Cherokee Nation should appoint a commissioner and the United States should appoint a commissioner, and should they disagree there should be a third—an umpire—whose decision should be final. It never came to the umpire, because both of these commissioners not only agreed that John W. West had a one-third interest in this claim, but they agreed that it was worth $5,000. That was the only forum these parties could go to. It was the only settlement. The Government of the United States is a trustee for the purpose of carrying out the terms of this treaty. It has done all in its power to carry it out. It has demanded on two occasions that the Cherokee Nation should conform to the terms of the treaty and appoint its commissioner; and finally that was done; and finally these commissioners agreed upon it, and then it was taken to the Secretary of the Interior for review, and two Secretaries of the Interior, one in two decisions and another in one, confirmed the report of these commissioners. How are you going to get away from that proposition? Where is there any answer to it?

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. RUCKER of Colorado. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that the Cherokee Nation, through its council, paid to West's brother, Bluford West, $12,000 in full payment of this entire claim, for the whole West family, and did they not accept that; and is it not a fact that John W. West during his lifetime never did make this claim, but that his heirs did it since his death?

Mr. RUCKER of Colorado. No.

Mr. STEPHENS of Texas. That is the record.

Mr. RUCKER of Colorado. No; that is not the record. I want to say to the distinguished chairman of the committee, the claim that Mrs. Markham, the widow of Bluford West, made was for Bluford West's interests, and she made it as administratrix of the estate of Bluford West. Having made it as administratrix, John W. West's claim could not possibly have been brought before that tribunal as a claim, because she made it as administratrix, and here is the testimony that upon a solemn occasion a tripartite agreement was made between David Vann, Bluford West, and John W. West, dividing this saline into three parts, each taking a third, and there is not a particle of evidence in the record to the contrary. I agree that Mrs. Markham got $12,000 for her interest, but she got that with reference not only to her saline interest, but for the improvements upon this place, whereas John W. West had no improvements upon his claim. It was upon the claim of Bluford West. He had no claim, no personal property there. His sole interest was an interest in the saline, and it was a one-third interest, and that is all that he has ever been asking for. So I disagree entirely with the chairman that $12,000 was paid in full settlement of all the claims of Nancy Markham, sole heir and administratrix of the estate of Bluford West.

It was paid in full settlement of all the claims of Bluford West. It was paid to her as administratrix and not otherwise. Upon this point the commission found:

The ground taken by the claimant in this case is highly abstract and technical—the legal distinction between personal and representative character—between Nancy Markham and Nancy Markham, administratrix. It is not only technical, but in fact erroneous; for if Bluford West, testator, was dispossessed in 1843, the property taken vested at once in the estate, and at his death, in 1845, there was nothing to descend to Mrs. Markham, as heir, but an claim for damages, entire in law, indivisible. Hence her attempt to divide this one cause of action into two, from motives of policy, basing the distinction solely upon a modification of the claimant's name, has no foundation in reason or law, and should not, we think, be countenanced in a tribunal of justice.

But there is no one to explain these legal niceties to these non-professional members of the council. And when we reflect that many of them were full-blooded Indians, unable to speak or understand the

English language (testimony, pp. 75, 55), without any means of knowing the nature of the business before the house except through the hasty translation by an interpreter, we can easily see how these men might be led to believe they were appropriating the $12,000 to pay the whole claim in full, notwithstanding there was before them an "itemized account" that left the saline out.

But the claimant has not always been inconsistent in this respect. She had previously been in the habit of proceeding in her own name for the whole claim, including both the "homestead" and the "saline." (Exhibit B, testimony, p. 128.) That the members of the council should presume that, in this instance also, she was proceeding in the same way (for both "homestead" and "saline") is perfectly natural and reasonable.

From the evidence before them, the commission is satisfied that at the time the $12,000 was appropriated it was the prevailing and candid impression in both the executive and legislative departments of the Cherokee government that it was in full payment of all demands whatsoever and that the claimant's attorneys were cognizant of the fact that it was so understood and ostensibly acquiesced in and encouraged that impression. To hold now that the settlement was anything less than final would be to encourage sharp inaction and effectuate a fraud upon the nation.

It is the opinion of the commission that the settlement was a compromise of all claims and that now there is nothing due to Mrs. Nancy Markham, administratrix, from the nation.

Notice that this related to the claim of Mrs. Markham only and has nothing to do with the claim of John W. West.

Immediately following the above is the finding in favor of the heirs of John W. West. The two claims were at all times treated and considered by the Cherokee Nation, the commission, and the department as separate and distinct claims.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. RUCKER of Colorado. Yes.

Mr. STEPHENS of Texas. Is it not a fact that John W. West lived in that vicinity all of his life, that he died in 1868, and was aware that this woman was pursuing her claim both before the legislative body of the Indians and before these commissioners, and if he had any interest why did he not present the claim himself? Why wait until 1882?

Mr. RUCKER of Colorado. That statement is not correct. Upon this point the commission found:

In 1849 the present claimant, Mrs. Nancy Markham, herself filed a "memorial" before R. C. S. Broson, United States Indian agent, claiming this same property, in which she admits in the most solemn manner that her husband, Bluford West, in his lifetime had conveyed a one-third interest in the saline to John W. West. (Exhibit B.)

As a circumstance bearing upon this point, it seems that John W. West has been a coclaimant of this saline from the earliest times, along with his brother Bluford. In 1845 he went to Washington in the interest of his claim. (Exhibits I, Q, R.) John W. West assisted, through Joel M. Bryan, in getting the seventh article inserted in the treaty of 1846 in the interest of this claim. (Exhibit A; testimony, pp. 116, 117, 119, 160, 120.) John W. West but a few hours before he died spoke to his son, William M. West, about his interest in this saline. (Testimony, p. 103.) He paid partnership debts after the dispossession. (Testimony, p. 156.)

Again, the commission says:

After the close of the war Mrs. Nancy Markham renewed the prosecution of her claim, and on November 8, 1866, she presented her petition before the national council, claiming $10,000 for the saline property. (Testimony, p. 128.) This effort proved a failure, but in 1873 she again presented her claim; C. N. Vann, W. P. Adair, and Joel M. Bryan were her attorneys. (Testimony, pp. 59, 153, 155.) Adair was a Member of the Senate. (Testimony, p. 67.) S. H. Benge was helping Mrs. Markham. (Testimony, p. 16.) At the same time the heirs of John W. West were present looking after their interest in the same saline property. (Testimony, pp. 16, 105.) They were represented by Joab Scales and Perry Brewer. At this time Mrs. Markham obtained an appropriation of $12,000. (Exhibit X.) The heirs of John W. West failed to get anything, and as yet have received nothing. (Testimony, p. 104, answer to interrogatory 22.)

So that it is clear that John W. West during his life prosecuted his claim with diligence; that during his life Mrs. Markham recognized his interest, and that after his death his heirs did all they could to secure payment. This should eliminate in the mind of every lawyer that there was either laches or negligence on the part of the claimant. Mrs. Markham's claim was confounded with an interest in the saline as well as the improvements upon the claim. The treaty of 1846 had nothing to do with the improvements. That had reference to the settlement for the saline, and when Mrs. Markham went before the council and presented her claim she confounded the two interests and asserted a claim for both. One was for an interest in the saline and the other was for personal property. That is how it came.

I want to say that it is true that John W. West died in 1868, but he was exiled from the Territory for a number of years before that, and not only that—and I desire to call this particularly to the attention of my brother lawyers—but the only possible forum, that provided for in the treaty, whereby he or any other owner of a saline claim could go, was this tribunal, made up of a commissioner of the Cherokee Nation and a commissioner of the United States, and that tribunal was never appointed until 1883. I will say to the gentleman he should know that the heirs of John W. West did put in their claim to the Cherokee council. Why did the council refuse to recognize the claim? Because it was not the forum provided for in the treaty.

Mr. STEPHENS of Texas. Does the gentleman desire an answer to that question?

Mr. RUCKER of Colorado. Yes.

Mr. STEPHENS of Texas. It was because John W. West was an Eastern Cherokee and was not entitled to anything whatever under that treaty, and that is the main ground of defense here.

Mr. RUCKER of Colorado. Mr. Speaker, I am very glad now to run the chairman down to the last hole.

Mr. STEPHENS of Texas. And the gentleman will admit this also, that these Eastern Cherokees, he and his heirs, have received funds as Eastern Cherokees and are cut off entirely from anything as Western Cherokees, and that will be found among the records here. Mr. Miller is the man who distributed the Eastern Cherokee funds, and he states that the heirs of John W. West were Eastern Cherokees and had received funds from him in that way. Hence he could not have been a Western Cherokee.

Mr. RUCKER of Colorado. Now, Mr. Speaker, the chairman of as big a committee as the Committee on Indian Affairs will not undertake, I know, to deceive this House, but it is by way of deception. There is no relationship whatever between the distribution of the judgment of the Court of Claims and this claim. There is absolutely no relationship whatever between the two. The gentleman speaks about a letter wherein it says that a "John" West and his children were enrolled in 1851 as Eastern Cherokees. That roll does not contain the name of "John W." West. Now, I have a letter of date of July 22 from the clerk of the Court of Claims, in which he says:

I beg to advise you that the roll of old settlers, of Western Cherokees, made in 1851 and filed in the Court of Claims January 10, 1910, contains, among others, the following names of old settlers from the western district.

Then follows Laura West, Ruth West, John West, Robert West, Jane West, Tallaquah district, Cherokee Nation, group 37. Now, those are the children of John W. West, so in 1851 they were counted as Western Cherokees, and I do not deny what the chairman has said, that Guyon Miller says that they were upon the other roll, but they were upon both rolls, and therefore that does not account for anything but——

Mr. STEPHENS of Texas. Does not the gentleman think if they had been on both rolls and received pay both ways they ought to be satisfied.

Mr. RUCKER of Colorado. Why, I have said to the gentleman that the drawing of pay in the one way or the other has nothing whatever to do with this claim. The two are not associated together. Now, does the gentleman for one moment say that because they drew their allotment or drew the stipend from the one or the other that that has any effect whatever upon this claim? Answer that question.

Mr. STEPHENS of Texas. If they drew their stipend as Eastern Cherokees, then they ought not to be permitted to go along and claim that because they were Western Cherokees they were entitled to this saline. There is such a thing as an estoppel among the Indians as well as white men.

Mr. RUCKER of Colorado. Then I understand the gentleman does not put it upon the ground that because they drew the money by reason of their descent on their mother's side from Eastern Cherokees, but upon the distinction of their being Eastern or Western Cherokees?

Mr. STEPHENS of Texas. If they are Eastern Cherokees, they are not entitled to anything in these salt works.

Mr. RUCKER of Colorado. I have produced here a letter that is of equal credence to the letter the gentleman produced where they are put down as Western Cherokees or old settlers. Now, one is an offset to the other. But aside from that there is positive proof contained in the report of the committee that John W. West was a Western Cherokee, and there is no evidence, either circumstantial or positive, to be produced to the contrary. All that, however, reminds me to refer again, and I want every lawyer in this House to bear that in mind, that it does not make a particle of difference whether they were Eastern or Western Cherokees, yet if we believe the uncontradicted testimony here in that respect it is satisfactorily shown that they are Western Cherokees.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. RUCKER of Colorado. Certainly.

Mr. BYRNS of Tennessee. I have been interested in the gentleman's argument. It seems to me that there is another proposition, and I do not know whether the gentleman has discussed it or not, and that is the question of estoppel in regard to whether John W. West or his estate or his heirs are entitled to the sum which the gentleman claims. I understand that $12,000 was paid to the heirs of his brother, Bluford West, in

full settlement for improvements on these works. Now, I understand also that the heirs of Bluford West began the prosecution of their claim in 1843, that it was not settled until 1873, that John W. West was living in 1868; that he, and his heirs at his death, sat by and saw this sum paid to the heirs of Bluford West and this claim was not put in and no mention was made of any claim until 1882 or 1883. Now, it seems to me that, taking that state of facts, the question of estoppel would arise as to whether they can come in and ask to collect again for the same thing.

Mr. RUCKER of Colorado. I see the confusion in my friend's mind. I have stated that Bluford West's widow made a claim for the improvements in the saline which she made to the Cherokee council and she got $12,000 and which she got as administratrix of her husband, but that has nothing to do with this claim. Now, I want to call the attention of the gentleman to the record here. This claim was asserted by John W. West when the property was taken. He came to Washington in 1845–6 and assisted in securing the inclusion of article 7 in the treaty of 1846, for the creation of a commission to adjudicate the claim. In 1849 Mrs. Markham acknowledged the interest of John W. West in the property by a memorial duly recorded in the office of the United States Indian agent for this tribe. The claim was presented to the Cherokee council for payment and no action taken on it because, at least in part, the treaty had provided another tribunal in which it was to be determined. The members of that tribunal were not appointed until 1882, because of the refusal of the nation until that time to appoint its commissioner, at which time John W. West was dead; but the claim was presented by his heirs to that tribunal in seasonable time, by it considered, and an award regularly made, all of which appears in the findings of the commission.

Mr. BYRNS of Tennessee. Does the record show that the claim made by the administratrix of Bluford West was a claim which he owned entire by himself or was he only claiming a part of the property?

Mr. STEPHENS of Texas. Not only that, but if the gentleman will permit, she states she never heard of John West when she prosecuted her case before the Cherokee council. You will find that in the evidence.

Mr. RUCKER of Colorado. The distinguished chairman of the Indian Committee will certainly not stop with that statement.

Mr. STEPHENS of Texas. It is there anyway.

Mr. RUCKER of Colorado. The gentleman knows she made an affidavit in 1849, and while John W. West was alive, in which she stated that John W. West had a third interest in this claim. After his death she contradicted that affidavit, but she did make an affidavit that John W. West entered in a contract with her husband, Bluford West, and acquired a one-third interest in this claim.

Mr. BYRNS of Tennessee. Now, if the gentleman will pardon me, the point I want to get at is this, whether or not the Cherokee Nation, in making a settlement for the improvements to this property, and so forth, settled with the idea that the $12,000 paid for all the improvements and the entire work, in other words everything that was to be paid for, or whether they paid it with the idea that it was only for a two-thirds interest in the property.

Mr. RUCKER of Colorado. Well now, the gentleman is a lawyer, and he must take the documentary evidence and determine what it amounts to.

Mr. BYRNS of Tennessee. I was asking the gentleman for information; I know nothing myself.

Mr. RUCKER of Colorado. I say the record shows she settled as administratrix of her husband for $12,000 and then came in afterwards and put in another claim for so much more. The nation could not have considered the $12,000 paid her as a payment in full for the property, for at the time the payment was made to Mrs. Farkham the claim of the heirs of John W. West was pending before the Cherokee council, and no action was taken on it. The settlement was for her interest alone as sole heir and administratrix of the estate of Bluford West, and the commission so found, and had no connection whatever with the claim of John W. West.

Mr. STEPHENS of Texas. I do not remember. I very often introduce bills by request. I do not remember of having introduced either one of these bills.

Mr. RUCKER of Colorado. I find you did not introduce this bill by request in 1909, which is a copy of my bill, and there has not been anything changed in the record. The record was there then, as it is now, and I do not believe the gentleman from Texas is in the habit of introducing bills simply to build up a record of the number of bills that he introduces in the House. I believe that he must have examined into the merits of this claim when he introduced this bill in 1909.

Mr. STEPHENS of Texas. The bill came up for discussion in 1911, last year, which was the first time that I ever went into it, and I was satisfied there was nothing in it then.

Mr. RUCKER of Colorado. Now, I want to say, Mr. Speaker, in conclusion, that I am bulwarked by the opinion of two of the ablest Secretaries of the Interior that ever occupied that office, one of them having served upon the Supreme Bench of the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Somebody told me that I had five minutes more.

Mr. BURKE of South Dakota. Mr. Speaker, my understanding of the time was that we were to conclude at five minutes after 1 p. m The gentleman from Texas [Mr. STEPHENS] used about five minutes, and I do not see how the gentleman from Colorado [Mr. RUCKER] could have consumed 45 minutes.

The SPEAKER. The gentleman from Colorado [Mr. RUCKER] has one minute more. The Chair was going by the wrong clock.

Mr. RUCKER of Colorado. Now, Mr. Speaker, I have a letter from the Secretary of which the distinguished chairman did not read the whole. I would like to just put in a few of the things that he did not read. It says:

RELIEF OF HEIRS OF JOHN W. WEST.

Amendment No. 91, page 35, beginning with line 7, authorizes the Secretary of the Interior to pay $5,000 to the administrator of the estate of John W. West, together with interest thereon at the rate of 5 per cent per annum from September 16, 1884, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees, promulgated August 17, 1846, and which award was approved by the Secretary of the Interior September 16, 1884, and since reaffirmed. This claim has been pending before the department, this office, and Congress for a great many years. It has been carefully investigated and reconsidered a number of times. D. W. C. Duncan, commissioner on the part of the Cherokee Nation, and J. Q. Tufts, United States Indian agent, appointed pursuant to the seventh article of the treaty of 1846, reported in favor of the claim of the heirs of John W. West in the sum of $5,000, together with a "moderate rate of interest" thereon.

The department during the last 25 years has made a number of reports on the claim in question. The department, in its report dated December 26, 1911, said that "in view of the history of this claim, the action heretofore had thereon, and the long delay in the prosecution thereof," it would not be justified in recommending the passage of H. R. 6544. The award made by Messrs. Duncan and Tufts, representatives of the Cherokee Nation and the Government, were reconsidered by both Secretaries Teller and Lamar, and in their letters, dated September 16, 1884, and April 26, 1886, respectively, they both declined to take action to disturb the decisions theretofore rendered in favor of the claim. It appears that the House Committee on Indian Affairs, in Report No. 820, Sixty-second Congress, second session, under date of June 1, 1912, recommended that the claim of the heirs of John W. West be paid. A minority report was filed by seven members of the House committee, signed by Chairman Stephens and others, found in Report No. 820, part 2, Sixty-second Congress, second session, recommending against the payment of the claim. The Senate Committee on Indian Affairs, in report dated May 7, 1912, No. 706, Sixty-second Congress, second session, recommended unanimously in favor of the claim, and adopted the majority report of the House Committee on Indian Affairs. The House and Senate reports herein referred to contain a complete history of the claim of the heirs of John W. West, and attention is invited to these reports, with the view of such action being taken on Senate amendment No. 91 as the conferees and the Congress may deem just and proper in the premises.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Speaker, I would like three minutes more.

Mr. STEPHENS of Texas. I yield to the gentleman three minutes more out of our time.

Mr. RUCKER of Colorado. As I have said, I was sustained by two Secretaries of the Interior, and I have been sustained by three reports made by the Senate, the last one being an exact copy of the report that is now upon your desks. And in addition to that I want to say that there is only one time when this claim has been disapproved, and that was in the Sixty-first Congress. I am sorry that my friend from Oklahoma [Mr. MCGUIRE] is not here. The gentleman from Iowa [Mr. KENDALL] ought to bear some testimony upon that. The gentleman from New York, Mr. Young, whom we all know as a distinguished ex-Member, was a member of the subcommittee having charge of the bill, and I would like to call upon any one member of that subcommittee that ever saw that report that was presented by the distinguished gentleman from Brooklyn. He did not prepare the report, and its authorship has at all times been kept a profound secret. Yet it has been repeatedly stated on the floor of this House that that report received careful consideration at the hands of the committee. Some one prepared it and gave it to its alleged author, and in the absence from the city of the other members of the subcommittee it was presented to the full committee and acted upon without any member of the committee knowing the facts. This is the careful consideration of this matter to which repeated reference is made by those who signed the minority report.

Objection is made to this provision on the ground that it is a private claim on an appropriation bill. When understood, this

objection is not sound. This claim arises out of a treaty stipulation and was adjudicated by a tribunal specially created by article 7 of the treaty of 1846, and the treaty provided that the award should be final and should be paid by the Cherokee Nation. This bill to which it has been added as an amendment is "A bill making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes." As the payment of this award is a fulfillment of a treaty stipulation the amendment was a proper amendment to this bill and would not be subject to a point of order under the rules of this House.

The United States was a party to this treaty. It guaranteed fulfillment of the treaty provisions. The commission was appointed pursuant to the terms of the treaty. The award was regularly made. By the terms of the treaty it was a finality. The Government of the United States can not now shirk its responsibility, particularly as two Secretaries of the Interior—the officer of this Government whose duty it is to supervise such matters, and men whose legal ability and fairness all men must concede—examined into the award with care and approved it in all respects. If such an award had been made in favor of a citizen of this country against a foreign government we would have sent our Navy, if necessary, to have enforced payment. Because the award is against an Indian nation or tribe is no reason why the Government of the United States should shirk its responsibility and place itself in the position of repudiating its solemn treaty agreements. The Government of the United States is in honor bound to see that this award is paid.

There has been no negligence on the part of the claimants in prosecuting their claim. They are not in fault. The sole and only reason this claim has not been paid heretofore is that for the past 30 years the Cherokee Nation has had its attorney on an annual salary and expenses here, who has lobbied before Congress and prevented the enactment of legislation providing for the payment of this award. These claimants were unable to maintain an attorney here to prosecute their claim, and in common fairness they should not have been expected to have done so. When the award was made the duty devolved entirely upon the Government of the United States to see to it that it was paid, and it would have been paid long ago had it not been for the presence in this city, session after session of Congress, of the attorney for the Cherokee Nation.

The interest provided for is less than half the amount recommended by the commission. It dates only from the date the award was approved by the Secretary of the Interior and is at the same rate the Government has allowed the Cherokee Nation for its funds on deposit in the Treasury of the United States.

The SPEAKER. The time of the gentleman has again expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. I suggest, inasmuch as the time is about half of what has been yielded by the gentleman from Colorado [Mr. RUCKER], the gentleman from Illinois consume his time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for 15 minutes.

Mr. MANN. Mr. Speaker, in the consideration of appropriation bills, which originate in the House, the House is severely handicapped by the procedure which now prevails. We pass an appropriation bill after consideration in Committee of the Whole, where every item is scanned and may be discussed and amended. We send that bill to the Senate, where every item in the House bill is subject to inspection, discussion, and amendment by the Senate. Thereupon the Senate adds such amendments as it chooses, sends them over to the House, where, without any consideration at all, they are usually sent to conference, and generally, without receiving much consideration in conference, owing to the lack of time, some agreed to and some disagreed to—some meritorious ones agreed to, some meritorious ones disagreed to, some without merit disagreed to, and some without merit agreed to—in the form of a compromise. And it seems to have become the habit in the distinguished body at the other end of the Capitol to add a great many amendments to House appropriation bills which are subject to criticism. Gentlemen who have claims or other propositions without much merit and who fear the discussion in the daylight which appears in the House upon the consideration of bills go over to the Senate and urge that amendments may be inserted with the understanding that they can not become a law unless agreed to in conference.

And through that method of persuasion a great many amendments are agreed to in the Senate which would not be agreed to there if they were considered as final, and would not be agreed to in the House if they were ever considered in the House.

The Indian appropriation bill seems to be the pet place for the Senate to add amendments. We have read in recent months some statements which were reported to emanate from distinguished gentlemen in the other legislative body about how the House was adding legislative provisions to appropriation bills, and yet this Indian appropriation bill now before us is filled with legislative provisions and with claims, none of which ought to be in order under the rules either of the House or of the Senate and which have no proper place in an appropriation bill at all.

In the very limited time which I have, I can not discuss all of the Senate amendments, and can only make a number of references to a few of them. Amendment 33 provides for an appropriation of water for the irrigation of approximately 150,000 acres of land and the maintenance of a public plant, and so forth, in connection with irrigation purposes on the Colorado River. If such a project is to be entered into, it ought to be considered by the House. There were some propositions of the sort before the House, and the House, with the knowledge it had before it, did not incorporate them. That proposition has no proper place in this bill without consideration by the House, which it can not obtain.

Here is another amendment, providing for the purchase of a sawmill and logging equipment——

Mr. STEPHENS of Texas. What is the number of that amendment?

Mr. MANN. No. 57. It is a scheme which ought not to be entered upon without knowledge on the part of the House that it is engaging in that kind of a business enterprise.

I shall not take time to discuss the amendment which has been discussed by the gentleman from Colorado [Mr. RUCKER], the John W. West claim amendment, which is a pure claim, in my judgment, without any merit whatever of its own, and I have examined all of the papers in connection with the matter which I have been able to obtain, and they are quite numerous. But the claim, whether meritorious or not meritorious, has no proper place in an Indian appropriation bill. A bill providing for this claim is on the Private Calendar, where it may be considered. It has no place in an appropriation bill.

Here is an amendment, numbered 105, providing for the construction of a sanitary sewer system for a little park down at Platt, Okla., $35,000. I do not know; we may be starting in to install sanitary sewer systems in all of the parks and forests of the country. What earthly use is there for a sanitary sewer system, or any other kind of a sewer system, in this little park to be constructed by the General Government?

Mr. BUTLER. Mr. Speaker, will the gentleman tell us what that has to do with Indian affairs—the sewer system that he speaks of?

Mr. MANN. Well, it is down in the old Indian country.

Mr. SIMS. It used to be in the old Indian country.

Mr. BUTLER. Perhaps it is because it is in a place where the Indians used to live.

Mr. MANN. I recall that a year or two ago an item of this kind was offered on the sundry civil appropriation bill, and the gentleman from Oklahoma, most concerned in it, voluntarily allowed it to go out. Now we have it here as an item in the Indian appropriation bill.

Mr. BUTLER. I suppose it is inserted here because it happened to cross an old Indian trail.

Mr. MANN. No; the gentleman is mistaken. The reason why they inserted it here is because they think they have more influence on the conferees.

Here are two items, Nos. 111 and 112. One provides for the payment of $41,000 to the Indian, Okemah, trustee of the Kickapoo community in Mexico, and the purpose of the amendment is purely and simply to permit the payment of the $41,000 to an attorney for claimed attorney's fees.

Mr. CARTER. What number is that?

Mr. MANN. That is No. 111. Here is No. 112, which provides for the deposit in the First National Bank of Douglas, Ariz., of all moneys known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department for various Indians, and the receipt by such bank for any such money shall operate as the receipt of the Indian owner and as a complete release of all liability on the part of the officer paying leased money as herein directed; no insinuation, even, that the bank shall turn it over to the Indians, and the purpose is to pay it to the bank in order that the bank may pay it to an attorney. No intention that a cent of it shall ever get into the hands of any Indian; to take the receipt of the bank as the receipt of the Indian and then propose to turn it over to somebody else. The amendment

in its form is scandalous and its intent is fraudulent. [Applause.]

I have not the time to discuss No. 137, proposing a scheme of $1,800,000 in reference to reclamation and irrigation work in the Yakima Indian Reservation, but if such a plan is to be entered upon it ought to be entered upon after consideration by the House and not merely by a Senate amendment agreed to as a trade in conference. There are a whole lot of other amendments relating to the same proposition which I do not have time to discuss.

I shall not take the time to go over again the proposition that was discussed here the other day on the deficiency bill, to pay a judgment of $3,305,257.19, which reeks with scandal from the beginning to the point that it now has reached. Probably the scandal has not ceased there.

Mr. STEPHENS of Texas. What is the number of that?

Mr. MANN. Oh, that is the Ute matter. I do not want the gentleman to think that the only amendments that I object to are those that I am speaking about, because I do not have the time to take them all in.

There is another amendment here, No. 117, providing for the payment of a lot of money to various Indians of the Tillamook Tribe, in Oregon, and various other Indian tribes, and, if they are dead, to their heirs.

And the meat in the coconut is this provision of the amendment, that the Secretary of the Interior shall find and investigate what attorney or attorneys, if any, have rendered services for or on behalf of said Indians, and shall fix a reasonable compensation to be paid to said attorney or attorneys for their services in prosecuting the claims of said Indians.

Every old attorney in town who, through some open or secret connection, is able to get some inside or public information concerning some old Indian claim or treaty, thereupon proceeds to render services, or claims to render services. Then he wants to be paid. I received from a gentleman in town this morning a letter in reference to a statement I made the other day that in the Ute Indian matter the main services rendered by the attorneys were lobbying in Congress. This gentleman denied that. I do not know from personal knowledge whether that statement was correct or not, but the Court of Claims, in allowing the compensation, stated that the man's principal services had been lobbying in Congress.

I am opposed, now and at all times, to the payment of these exorbitant, scandalous claims of attorneys for lobbying with committees or with Members of Congress. I think it ought to be stopped and not encouraged. I hope that if this bill goes to conference the House conferees will have the judgment and the nerve to say, "We will not agree to these amendments which have been placed upon this appropriation bill." [Applause.]

Mr. STEPHENS of Texas. I yield to the gentleman from South Dakota [Mr. BURKE] such time as he desires.

Mr. BURKE of South Dakota. How much time has the gentleman from Texas remaining, Mr. Speaker?

The SPEAKER. He has 22 minutes left.

Mr. BURKE of South Dakota. Then, Mr. Speaker, I will ask that I be notified when I have spoken for seven minutes.

I would like to follow up the last statement made by the gentleman from Illinois, in which he said that he hoped that the House conferees would see that certain amendments to this bill are eliminated in conference, by stating that the House will have an opportunity in 22 minutes to express itself on one proposition that is in the bill—that is, a private claim—because a motion will be made to concur in the amendment of the Senate providing for its payment.

I am not going to discuss the merits of this claim, which is the John W. West claim, which was so earnestly and ably discussed by the gentleman from Colorado [Mr. RUCKER]. I simply want to call the attention of the House to the fact that it is a private claim; that it dates back to the year 1843 or 1845; that it was carefully considered by the Committee on Indian Affairs in the last Congress, and a unanimous report made against it; that it was considered by the Committee on Indian Affairs in the present session of Congress and a favorable report made thereon, with seven members of the committee, including the chairman, filing minority views.

The bill is upon the Private Calendar of the House. I presume it will be considered during this Congress. There will then be an opportunity to discuss the merits of the measure. The proposition for us to consider at this time is whether or not the House will concur in such an amendment on an appropriation bill, it being a private claim.

Mr. Speaker, there is much in what the gentleman from Illinois has said relative to provisions that have been incorporated in the Indian appropriation bill—that were put in after the bill left the House and agreed to in conference. We have one instance where an attorney's fee was paid which amounted to $750,000. The authority for collecting such a fee was incorporated in an Indian appropriation bill in another legislative body and agreed to in conference.

We discussed on Saturday last the matter of paying a judgment in favor of the Ute Indians, wherein it appeared that an attorney's fee had been paid aggregating, in round numbers, $211,000. Before the judgment was entered the Indians had $1,250,000 and were receiving annually $50,000, being 4 per cent interest on that amount. At the present time the Indians have nothing but a judgment, and that the House refused to appropriate for, but the attorneys have received $211,000. The Indians have lost their income. The gentleman from Illinois [Mr. MANN] says it reeks of fraud and scandal, and I agree with the gentleman; but I want to say in reference to that matter and others that he may have had in his mind when he made that statement, that the House is responsible, because the House has consented to agree to conference reports containing provisions that made such scandal possible.

I say we have an opportunity at the present moment to disagree to an amendment of the Senate that proposes to pay one of these old, stale, outlawed claims that does not belong on the Indian appropriation bill, and therefore it is not necessary for me to discuss the merits of that measure. Let the conferees go from the House with all of the amendments disagreed to, of which there are 156, and let the conferees determine whether or not they will concur in this or any other amendment. I do not think the House need have any fears about what the attitude of the conferees on the part of the House will be, so far as this amendment is concerned, upon which the gentleman from Colorado will make a motion to concur. I hope his motion will be voted down; that the House will disagree to all of the amendments of the Senate and ask for a conference.

Mr. STEPHENS of Texas. I yield to the gentleman from Oklahoma [Mr. CARTER] five minutes.

Mr. CARTER. Mr. Speaker, I do not think I shall consume more than about one minute. I just want to make this reference to the claim of John W. West. I do not care to go into the merits of this claim any further than to repeat what has been so well said by the gentleman from South Dakota [Mr. BURKE], to wit, that there is already a bill on the calendar providing for the payment of this claim.

There was some dissension about reporting the bill favorably from the Committee on Indian Affairs. The chairman of the committee, together with the gentleman from South Dakota [Mr. BURKE], my colleague [Mr. FERRIS], the gentleman from Minnesota [Mr. MILLER], the gentleman from Kansas [Mr. CAMPBELL], and myself signed a minority report opposing the payment of the claim. In due time it will come before the House and be considered in the proper way, and I do not think it should be passed on an appropriation bill, for it is purely a claim. We have not now sufficient time to go into a detailed discussion of this amendment, and I think the matter should come up in the regular way, when a full discussion of the merits can be had.

Mr. STEPHENS of Texas. I yield three minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Speaker, just a word in reference to the claim of John W. West, without any time to enter into a thorough discussion of the merits of the case. I wish to call the attention of the membership of the House to one most significant feature of this claim.

It was 69 years ago when this mudhole that they call a salt lick was taken by the Cherokee Nation from Bluford West and Mr. Rogers. Bluford West died 67 years ago. His widow, Nancy West, subsequently married a man named Markham, and as Nancy Markham, in 1873, after repeated efforts with the Cherokee Nation Council, secured $12,000 for this lick and the improvements thereon. It then came into the mind of some one that a brother of Bluford West, John W. West, had a one-third interest in the claim. There was no writing that showed that he had any interest in this real estate. No pen ever marked a word which said he ever had a right or title to any part of it, and his lips now for almost half a century have been sealed with death. During a period of 25 years, however, that he lived those lips never murmured a word that he had a claim in this salt lick spring. Talk about a claim with whiskers, Mr. Speaker; it has not only whiskers, but the whiskers are gray. It has literally been dug up from the earth, hoary headed and phantom formed. While there is much that can be said in an argument such as the gentleman from Colorado [Mr. RUCKER] has said, with good discretion and earnestness, yet unless we are to grasp at a will-o'-the-wisp, unless we are to take tradition

and superstition as a basis for a claim, demanding something substantial, something consistent before we pay out other people's money, then this must be rejected.

Mr. Speaker, the Committee on Indian Affairs in the last Congress gave this a most thorough and careful investigation.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. STEPHENS of Texas. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. MILLER. Mr. Speaker, after that careful and thorough investigation the committee unanimously agreed that for two reasons the claim should not be paid: First, because it had not been established with any degree of certainty that would justify either the committee in reporting in its favor or this House voting to adopt such a report from the committee; and, second, such a long period of time has elapsed and the claimants were guilty of such laches in any view of the case that they could not be granted relief, could not come to this or to any tribunal hoping to get equity. Not having evidence to establish a legal claim, they can not appeal to equity, because they have not observed one of the fundamental principles of equity. So, Mr. Speaker, in view of these considerations, in addition to the fact that it is a personal claim, in addition to the fact that the House ought to have a right to consider it as a bill by itself, in addition to the fact that it has no place on an appropriation bill, I think the motion ought to be voted down.

Mr. STEPHENS of Texas. Mr. Speaker, I yield the remaining time to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER. The gentleman from Alabama is recognized for 10 minutes. The Chair would state that he made a mistake as to the length of time in stating that the debate would run out at 1 o'clock. It will close at 5 minutes past 1.

Mr. UNDERWOOD. Mr. Speaker, I do not desire to occupy the 10 minutes with reference to this claim, because, as a matter of fact, I do not know the facts in reference to the claim itself, but I do know this: That there is a bill pending before this Congress now for this claim, and if it has merits it can be taken up in the regular way and be considered at a proper time. The bill now pending before the House is a general appropriation bill. I think there has always been in this House a great abuse of the rules of the House in putting legislation upon appropriation bills. There may be an excuse for it sometimes—a justification for it sometimes—when there are matters of great public moment that require immediate attention, and when the only way they can be brought immediately to the attention of both Houses of Congress is to put them upon appropriation bills. But that, in my judgment, can only be justified when they are matters of great public moment, where the constituencies of all men in the House are interested There is no justification whatsoever for putting on an appropriation bill and thus delaying its passage a private claim, even though that claim be a very just claim and a very meritorious one. In the first place, there is not an opportunity in considering a claim of that kind on an appropriation bill to go into the real merits of the claim. Public business should not be delayed in passing appropriation bills by the discussion of private claims.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman if he thinks the House ought to concur in an amendment of the Senate which would not be germane to the bill if it had been offered when the bill was pending in the House?

Mr. UNDERWOOD. I do not; and I certainly do not think so if it is a private claim. If it were some matter of great public moment and the Senate were determined on its suggestion and the House had to yield, it might be different; but I do not think that this House ought to make a precedent of putting any private claim on a general appropriation bill, and for that reason I hope that the House will vote down this claim and reject the Senate amendment, regardless of whether the claim is just or not. It ought not to be considered on this bill, and it ought not to be considered at this time.

I yield back the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I now move to disagree to all of the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Texas moves to disagree to all of the Senate amendments and ask for a conference.

Mr. RUCKER of Colorado. Mr. Speaker, as an amendment, I move that the House concur in amendment No. 91.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Texas that he ask unanimous consent to disagree to all of the Senate amendments except the one stated by the gentleman from Colorado, No. 91, and also amendments Nos. 33, 117, 130, and 137, upon which amendments I desire a separate vote.

Mr. STEPHENS of Texas. Very well, Mr. Speaker, I will make that request.

The SPEAKER. The gentleman from Texas asks unanimous consent to disagree to all of the Senate amendments, excepting the one designated by the gentleman from Colorado, numbered 91, and also amendments 33, 117, 130, and 137. Is there objection?

There was no objection, and it was so ordered.

The SPEAKER. The gentleman from Colorado moves to concur in amendment No. 91.

The question was taken; and on a division (demanded by Mr. BURKE of South Dakota) there were—ayes 2, noes 61.

So the motion to concur was rejected.

Mr. STEPHENS of Texas. Mr. Speaker, I move that amendment No. 33 be disagreed to.

The SPEAKER. The question is on the motion of the gentleman from Texas to disagree to amendment No. 33.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 74, noes 0.

So the motion to disagree was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I move to disagree to amendment No. 117.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 63, noes 0.

So the motion to disagree was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I now move to disagree to amendments numbered 130 and 137.

The SPEAKER. The question is on the motion of the gentleman from Texas to disagree to amendments numbered 130 and 137.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 72, noes 0.

So the motion to disagree was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I now move that the House ask for a conference.

Mr. RUCKER of Colorado. Mr. Speaker, a parliamentary inquiry, and preliminary to that allow me to state that upon the Committee on Indian Affairs the seniority membership contains gentlemen who are opposed to the bill that I am in favor of. This is especially true of the gentleman from Oklahoma [Mr. CARTER] who is a member of that committee and second, I think, in seniority, and who ought not to be upon the committee on conference. He is a Cherokee Indian himself, and I do not believe that he ought to be allowed to sit on that committee.

Mr. CARTER. Mr. Speaker, if the gentleman will permit me for just a moment——

The SPEAKER. Of course all of this is by unanimous consent.

Mr. CARTER. I think I can satisfy the minds of the House very quickly upon that point. I have three-eighths Cherokee blood, but I have no more interest in the estate of the Cherokee Nation than the gentleman from Colorado [Mr. RUCKER]. [Applause.]

Mr. RUCKER of Colorado. Blood is thicker than water.

Mr. CARTER. I have an interest in the estate of the Chickasaw Tribe of Indians, and even if this matter concerned the Chickasaw Indians' funds I doubt if the gentleman's objection would be good; but I have no interest whatever in the Cherokee funds.

Mr. MANN. Would the gentleman's three-eighths Indian blood have more interest than the five-eighths of white blood would have on the other side, in any event?

So the motion of the gentleman from Texas [Mr. STEPHENS] was agreed to.

The SPEAKER announced the following conferees:

Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota.

LEAVE OF ABSENCE.

By unanimous consent, Mr. AYRES was granted leave of absence for two days, on account of illness in his family.

AMERICAN REFUGEES FROM MEXICO.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of Senate joint resolution 127. This is a resolution which came over from the Senate yesterday afternoon and was referred to the Committee on Military Affairs, where it has been amended and restricted in its operation.

The SPEAKER. The gentleman from Texas asks unanimous consent to discharge the Committee on Military Affairs from the further consideration of the resolution named and to take it up for consideration.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say this: I understand this is an emergency resolution which requires immediate action, and if it is not going to delay the House at this time I have no objection to unanimous consent. If it brings on general debate——

Mr. SLAYDEN. I assure the gentleman it is not the purpose of the proponents of the measure to have any debate. The House, I think, perfectly understands what the resolution is.

The SPEAKER. Of course, the Chair recognized the gentleman to make the motion with the understanding it is a matter of necessity or emergency. Is there objection?

Mr. MANN. Mr. Speaker, I would like to know what the proposition is.

Mr. SLAYDEN. Mr. Speaker, the resolution authorizes the expenditure, under the general direction of the Secretary of War, of so much of $20,000——

Mr. MANN. Can not we have it reported?

Mr. SLAYDEN. There is a report which explains the whole matter, going into it very fully, if the Clerk will read it.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized and directed to cause to be supplied, through the proper military officers at El Paso, Tex., all necessary tents, together with temporary rations, for the care and relief of American citizens who have been compelled to remove and are yet removing from threatened danger in the Republic of Mexico and who are seeking refuge in El Paso, Tex., and adjacent portions of the United States.

Mr. SLAYDEN. I am authorized by the committee to offer the following amendments.

The Clerk read as follows:

After the word "authorize," in line 3 of the resolution, insert the following: "To expend not to exceed the sum of $20,000, out of any unexpended balance of the money appropriated for the Mississippi flood sufferers, May 9, 1912."

In line 5 strike out the word "all"; in line 7, after the word "who," insert the following: "have no other means of obtaining shelter and food."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The joint resolution as amended was read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to joint resolution (S. J. Res. 127) authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

The message also announced that the Senate had insisted upon its amendments to bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAMBLE, Mr. CLAPP, and Mr. CHAMBERLAIN as the conferees on the part of the Senate.

WOOL AND MANUFACTURES OF WOOL.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22195, a bill revising the rates on the woolen schedule, and pending that I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22195, to consider the Senate amendment, and pending that asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Be it enacted, etc., That on and after the 1st day of January, 1913, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subjected to the duties hereinafter provided, and no others; that is to say:

1. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 20 per cent ad valorem.

2. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on rags composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 20 per cent ad valorem.

3. On combed wool or tops and roving or roping, made wholly or in part of wool or camel's hair, and on other wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this act, the duty shall be 25 per cent ad valorem.

4. On yarns made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

5. On cloths, knit fabrics, felts not woven, and all manufactures of every description made, by any process, wholly or in part of wool, not specially provided for in this act, the duty shall be 40 per cent ad valorem.

6. On blankets and flannels, composed wholly or in part of wool, the duty shall be 30 per cent ad valorem: *Provided*, That on flannels composed wholly or in part of wool, valued at above 50 cents per pound, the duty shall be 45 per cent ad valorem.

7. On women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 45 per cent ad valorem.

8. On clothing, ready-made, and articles of wearing apparel of every description, including shawls whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, and not specially provided for in this act, composed wholly or in part of wool, the duty shall be 45 per cent ad valorem.

9. On webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, the duty shall be 35 per cent ad valorem.

10. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

11. On Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

12. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 30 per cent ad valorem.

13. On velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

14. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, the duty shall be 30 per cent ad valorem.

15. On treble ingrain, three ply, and all chain Venetian carpets, the duty shall be 30 per cent ad valorem.

16. On wool Dutch and two-ply ingrain carpets the duty shall be 25 per cent ad valorem.

17. On carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

18. On druggets and bockings, printed, colored, or otherwise, the duty shall be 25 per cent ad valorem.

19. On carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this act, and on mats, matting, and rugs of cotton, the duty shall be 25 per cent ad valorem.

20. Mats, rugs for floors, screens, covers, hassocks, bed sides, art squares, and other portions of carpets or carpeting, made wholly or in part of wool, and not specially provided for in this act, shall be subject to the rate of duty herein imposed on carpets or carpeting of like character or description.

21. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty upon the entry or the withdrawal thereof.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913.

The Senate amendment was read as follows:

An act (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Be it enacted, etc., That the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

360. All wool, hair of the camel, goat, alpaca, and other like animals, shall be divided, for the purposes of this act, into the two following classes:

361. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool, or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood and usually known by the terms herein used, and all wools not hereinafter included in class 2.

362. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and all such wools of like character

as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for; the hair of the camel, Angora goat, alpaca, and other like animals.

363. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they shall be needed.

364. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

365. The duty on wool of the first class shall be 35 per cent ad valorem.

366. The duty upon wools of class 2 shall be 10 per cent ad valorem.

367. The duty on wools on the skin shall be as follows: Class 1, 30 per cent ad valorem; class 2, 10 per cent ad valorem; the quantity and value of the wool to be ascertained under such rules as the Secretary of the Treasury may prescribe.

368. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 per cent ad valorem.

369. Shoddy, noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, 25 per cent ad valorem.

370. Woolen rags, mungo, and flocks, 25 per cent ad valorem.

371. Combed wool or tops, and all wools which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, 40 per cent ad valorem.

372. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 45 per cent ad valorem.

373. On cloths, knit fabrics, blankets, and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, clothing ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is the component material of chief value, whether containing india rubber or not, 55 per cent ad valorem.

374. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; Brussels carpets, figured or plain, and all carpets or carpetings of like character or description; velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description; tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; treble ingrain, three-ply, and all chain Venetian carpets; wool Dutch and two-ply ingrain carpets; carpets of every description, woven whole for rooms; oriental, Berlin, Aubusson, Axminster, and similar rugs, druggets and bockings, printed, colored, or otherwise; all the foregoing, made of wool, or of which wool is the component material of chief value, 35 per cent ad valorem.

375. Carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

376. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpetings of like character or description.

377. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by a woolen, worsted, felt, or any other process.

378. All manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 363 form the component material of chief value, shall be subject to a duty of 30 per cent ad valorem.

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty, upon the entry or the withdrawal thereof.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913.

Mr. UNDERWOOD. I suppose the five minutes on a side will be satisfactory to the gentleman.

Mr. PAYNE. I think we had better have a little more time than that.

Mr. UNDERWOOD. If the gentleman wants to reach an agreement about time I am willing to make an agreement, or if he wants a little further extension under the five-minute rule I am willing to agree to it.

Mr. PAYNE. How much time does the gentleman propose to take altogether?

Mr. UNDERWOOD. I do not care to make a general speech, and under the rule speeches are limited to five minutes, but I do not care to hold the gentleman down to that. I would like to dispose of the question, as we have three propositions that we wish to send back to the Senate.

Mr. PAYNE. Suppose we let it run a little while under the five-minute rule. I will not want to talk over 10 minutes, but I want to suggest that perhaps I had better make my motion now, as I wish to make a motion to concur with an amendment.

Mr. UNDERWOOD. Just one moment, the gentleman's motion has precedence. Mr. Speaker, there is but one Senate amendment to the bill, and I move to disagree to the Senate amendment.

The SPEAKER. The gentleman from Alabama moves to disagree to the Senate amendment.

Mr. PAYNE. Now, Mr. Speaker, I move to concur, with an amendment to strike out all after the enacting clause and insert the following:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive of both, and inserting in place thereof the following:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the two following classes:

2. Class 1, that is to say, merino, mestiza, metz or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools or other like combing wools of English blood, and usually known by the terms herein used, and all wools not hereinafter included in class 2, and also the hair of the camel, Angora goat, alpaca, and other like animals.

3. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

4. The standard samples of all wools, which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

5. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

6. If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1; and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

7. The duty on all wools and hair of class 1, if imported in the grease, shall be laid upon the basis of its clean content. The clean content shall be determined by scouring tests which shall be made according to regulations which the Secretary of the Treasury may prescribe. The duty on all wools and hair of class 1 imported in the grease shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 19 cents per pound.

8. The duty on all wools of class 2, including camel's hair of class two, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound: *Provided*, That on consumption of wools of class 2, including camel's hair, in the manufacture of carpets, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools of class 2, including camel's hair, upon which duties have been paid, there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools of class 2, including camel's hair of class 2, contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

9. The duty on wools on the skin shall be 2 cents less per pound than is imposed upon the clean content as provided for wools of class 1, and 1 cent less per pound than is imposed upon wools of class 2 imported in their natural condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

10. Top waste and slubbing waste, 18 cents per pound.

11. Roving waste and ring waste, 14 cents per pound.

12. Noils, carbonized, 14 cents per pound.

13. Noils, not carbonized, 11 cents per pound.

14. Garnetted waste, 11 cents per pound.

15. Thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound.

16. Shoddy, mungo, and wool extract, 8 cents per pound.

17. Woolen rags and flocks, 2 cents per pound.

18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 20 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem.

19. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 20 cents per pound on the wool contained therein, and in addition thereto 8 per cent ad valorem.

20. On yarns, made wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 21½ cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

Valued at more than 30 cents and not more than 50 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem.

Valued at more than 50 cents and not more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Valued at more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

21. On cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

Valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

Valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

Valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

Valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

Valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

22. On blankets and flannels for underwear composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 23½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Valued at more than 40 cents and not more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

Valued at more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

Provided, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

23. On ready-made clothing and articles of wearing apparel, knitted or woven, of every description, made up or manufactured wholly or in part and composed wholly or in part of wool, the rate of duty shall be as follows:

If valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

If valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

If valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

If valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

If valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

If valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 60 per cent ad valorem.

24. On all manufactures of every description made wholly or in part of wool, not specially provided for in this section, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem: *Provided*, That if the component material of chief value in such manufactures is wood, paper, rubber, or any of the baser metals, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem, and if the component material of chief value in such manufactures is silk, fur, precious or semiprecious stones, or gold, silver, or platinum, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

25. On hand-made Aubusson, Axminster, Oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem: on all other carpets of every description, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

26. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca or other animal, whether manufactured by the woolen, worsted, felt, or any other process.

27. The foregoing paragraphs, providing the rates of duty herein for manufactures of wool, shall take effect on the 1st day of January, 1913.

The SPEAKER. The gentleman from New York moves to concur by striking out all after the enacting clause and inserting an amendment.

Mr. PAYNE. I will state I do not care to have this read unless some gentleman desires it. It is the same amendment I offered to the original bill in the House when the bill was before the House on a previous occasion.

Mr. UNDERWOOD. It was read in the House and the House understands it.

Mr. PAYNE. It was read in the House and offered by the minority of the committee and voted for by the minority membership of the House, but of course if any gentleman desires to have it read——

Mr. MONDELL. I would be glad if the gentleman would ask unanimous consent to dispense with the reading of it.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to dispense with the reading of this amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the reading of this amendment.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is it not necessary, before we proceed further, that the Senate amendment be read or disposed of?

Mr. UNDERWOOD. Mr. Speaker, I suppose the vote will come on the Senate amendment, and I ask unanimous consent, as the bill is printed and before the House, to dispense with the reading of both the Senate amendment and the amendment offered by the gentleman from New York [Mr. PAYNE].

The SPEAKER. Is there objection?

Mr. ANDERSON of Minnesota. Reserving the right to object, I would like to ask if the bills will appear in the RECORD if they are not read?

Mr. UNDERWOOD. Oh, yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRUMPACKER. The question is, When will a motion to agree to the Senate amendment be in order? The gentleman from New York has moved to agree to the Senate amendment with an amendment. I understand that would have priority over a straight motion to agree to the Senate amendment. The gentleman from Alabama [Mr. UNDERWOOD] moves a disagreement, and I understand that a motion to concur or agree to the Senate amendment would have priority over the motion of the gentleman from Alabama. I want to know whether I am right or not.

The SPEAKER. I think the gentleman is entirely correct.

Mr. CRUMPACKER. So that the motion of the gentleman from New York [Mr. PAYNE] would be first in order, and, if his motion should be voted down, then a motion to agree to the Senate amendment would be in order?

The SPEAKER. It would.

Mr. CRUMPACKER. I want to make that motion at the proper time.

Mr. GARDNER of Massachusetts. Mr. Speaker, I suggest to the gentleman from Indiana [Mr. CRUMPACKER] that the negative of the motion to disagree carries concurrence. If I recollect the rule rightly, there is only one motion in order, except the motion to concur with an amendment. That is the motion to disagree or the motion to concur, but the negativing of the motion to disagree carries concurrence. That is my recollection.

The SPEAKER. There is not any doubt but that is a correct statement of the rule.

Mr. CRUMPACKER. The motion to concur with an amendment is divisible, is it not?

The SPEAKER. The Chair thinks so. The Chair will state his understanding of the situation. The gentleman from Indiana [Mr. CRUMPACKER] can make his motion to concur or let it alone, as he chooses. He can make it now or after the motion of the gentleman from New York [Mr. PAYNE] is voted down. Of course, if the gentleman from New York is voted up, that ends the matter. The Chair is taking it for granted that the motion will be voted down.

Mr. PAYNE. Mr. Speaker, I make a point of order that the Speaker should not express an opinion on anything of that kind. [Laughter.]

The SPEAKER. The Chair was not expressing an opinion. The Chair was trying to get the parliamentary situation simplified. The proposition laid down by the gentleman from Massachusetts [Mr. GARDNER] is correct, that if the motion of the gentleman from Alabama [Mr. UNDERWOOD] to disagree is voted down, that is equivalent to a concurrence, and there is no necessity of putting the motion to concur. If the gentleman from Indiana, however, makes a motion to concur, although it would be superfluous, the Chair does not see how it can do any harm. But if all three of these motions are pending at once, then the order in which they would come would be, first, on the motion of the gentleman from New York [Mr. PAYNE]; second, on the motion of the gentleman from Indiana [Mr. CRUMPACKER]; and then on the motion of the gentleman from Alabama to disagree.

Mr. CRUMPACKER. Then, I desire to move that the House agree to the Senate amendment to the pending bill.

The SPEAKER. If the gentleman offers his motion and the House votes it down, that carries with it the motion of the gentleman from Alabama [Mr. UNDERWOOD].

The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. Mr. Speaker, I will not detain the House at this time in discussing this proposition. The wool bill has been fully discussed not only at this session of Congress, but at the last session of Congress. The Senate amendment is the

amendment that was adopted by the Senate at the last session of Congress, known as the La Follette bill, which the House disagreed to at the last session of Congress and finally sent to conference, out of which grew a compromise bill. I think the Members of the House are fully advised as to the difference between the Senate amendment and the House bill, and without there is some occasion later on in the debate I will not take up the time of the House in discussing the two bills at the present time. I understand the debate is under the five-minute rule.

Mr. PAYNE. Mr. Speaker, this original wool bill, brought in by the Committee on Ways and Means, came here first with the only excuse for its existence that we needed a revenue duty of about 20 per cent on wool in order to rescue and save a depleted and depleting Treasury.

The next month showed that the depleted Treasury had a surplus of over $47,000,000 to its credit for the year 1911, derived from the present revenue laws. A year has passed since then, and the report of the 30th of June showed a surplus in the Treasury for that year of over $37,000,000 receipts over the expenditures. A month has nearly passed in the present fiscal year, and the Treasury reports show that the Treasury is nearly $14,000,000 better off for this month up to date than it was after a month a year ago. So there can be no excuse for any gentleman who is talking free trade in wool to his constituents to vote for this present House bill in any way or shape. That argument is entirely removed from the controversy by the light of the Treasury statistics and the splendid showing of the present revenue law in relation to raising revenue.

We have as a Senate amendment the same one that came here about a year ago. Of course, every Member of the House knows the authorship of that amendment. At the time the bill was in conference a year ago the author of the amendment confessed that he was working with blacksmith tools, so to speak, or, in other words, that he had not sufficient information with which to form a tariff bill. However, a compromise bill was agreed upon without the information and went to the Executive, who sent it back with his veto, and the bill and the veto are now in the House files without any action. This bill was introduced, as I say, nearly a year afterwards, passed the House, and went over to the Senate, and comes back with the same Senate amendment. The President vetoed the bill because the Tariff Board was gathering information and would soon be ready to report. They have reported. They have made a full report. They have made a report that has met the commendation of experts on the tariff question the world over—not confined to this country alone, but praised in other countries as the most thorough and complete investigation and report ever made anywhere in any country in the world on the wool question, and better than all the information previously gathered upon this subject. When that report came in I was in hopes that my friend from Alabama [Mr. UNDERWOOD] would study it, but he seems to have delegated that matter to some other gentlemen, who made a report which misled him, I am sorry to say, or he never would have indorsed it.

Mr. UNDERWOOD. I wish to interrupt my friend from New York [Mr. PAYNE] on that proposition. Every time he comes into this House he makes that statement. The gentleman from New York knows that his statement is untrue. "The gentleman from Alabama" did study this report and did study the bill. The gentleman from New York knows that that is so. It is not important, however, because I think the gentleman makes the statement in a facetious way, but I do not want it to remain in the RECORD uncontradicted.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PAYNE. Mr. Speaker, I would like to have five minutes more.

The SPEAKER. The gentleman from New York [Mr. PAYNE] asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PAYNE. The gentleman who, I said, made the investigation and report has confessed it. I do not need to prove it. That is the evidence that I offer in regard to it. Where a man confesses to such a thing as that—not quite a crime, but much like a misdemeanor—why, I think that the evidence binds even the gentleman from Alabama. Of course, I have no objection to his offering a general denial, but I hope he will not insist that that report was his report, because I shall be led, very much to my sorrow, to think the contrary.

Mr. UNDERWOOD. I will say to the gentleman that he is stating what is untrue when he tries to imply to this House that either I or my committee did not report that bill. We hired experts. I know what the gentleman wants to say. He wants to say that we hired Mr. Parsons and that we hired Prof. Willis and that we hired other employees to aid us doing the mechanical work. We did, but all their work was submitted to the committee, and the committee went over the reports. I went over the reports, and we were responsible for them, and they were our reports just as much as the reports that the gentleman from New York made on his bill were his reports, although he did not write them himself.

Mr. PAYNE. Now, Mr. Speaker, I must still be permitted—because I am careful of the honor and credit of my friend from Alabama and of his intellectual ability, and so forth—to say that I think he is mistaken in this matter and that the man who confesses to have done this thing is really the guilty party.

Let me add, Mr. Speaker, that the minority of the committee did study that tariff report and did study the facts presented by the Tariff Board; and, after much deliberation and, I will say to the gentleman from Alabama, with the aid of experts who figured under the direction of the gentlemen who were engaged in preparing that bill, the gentleman from Connecticut [Mr. HILL], particularly, spending much time in verifying their figures from day to day, we prepared a bill which we presented to this House and which we present again.

I would like to see it become a law. I think if it should be in operation for a couple of years even the gentleman from Alabama [Mr. UNDERWOOD] would not try to disturb it, but would allow it to remain upon the statute book. "It would not injure our business," to repeat the favorite expression of the gentleman from Alabama. It would not destroy any industry. It would allow the wheels of progress to go on, and at the same time it would take away every excessive duty in the present wool schedule. It is an ideal bill in that respect. It ought to receive the vote of every Member on both sides of the House.

Now, Mr. Speaker, one word more. I have a telegram here from a constituent. He is a manufacturer of woolen goods. He is not a bloated aristocrat. He is not a malefactor of great wealth. He is a common, everyday American citizen, who understands his business and who was educated in it and knows what hard work is. He says:

> The La Follette bill will close or seriously injure every woolen mill in your district.

It is signed "A. M. Patterson." I commend that to the attention of gentlemen upon this side and upon the other side of the House.

But, Mr. Speaker, I have spoken at some length upon the woolen schedule in times past, and I do not now propose to inflict myself further upon the House. I understand the gentleman from Massachusetts [Mr. MCCALL] needs a little time, and I think also the gentleman from Connecticut [Mr. HILL]. I do not know what other gentlemen want to use time, but I commend them to the mercies of the House. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. LENROOT. Mr. Speaker, I shall vote against the motion of the gentleman from New York [Mr. PAYNE] to concur with an amendment, and for the motion of the gentleman from Indiana [Mr. CRUMPACKER] to concur, and I shall do that for two reasons, the first being that the Senate bill now before the House is sustained by the report of the Tariff Board, and, when fully analyzed, is not very different from the bill reported by the gentleman from New York [Mr. PAYNE] for the Committee on Ways and Means.

The gentleman from New York has briefly discussed this Senate bill, and has stated that in conference the author of that bill said that it was prepared with blacksmith's tools. Mr. Speaker, when one examines the report of the Tariff Board and examines this wool bill, prepared before that report was made, and finds how nearly they agree, he is compelled to conclude that that author of the bill did a mighty good job with his blacksmith's tools. [Applause.] And one is led further to wish, Mr. Speaker, that when the Committee on Ways and Means of the House and the Finance Committee of the Senate prepared the Payne-Aldrich bill they might have had some blacksmith's tools of this character. [Applause on the Democratic side.] One is compelled further to wonder, Mr. Speaker, what kind of tools they did have in the work that they did there.

Now, Mr. Speaker, I further am opposed to sending this bill to conference and I am opposed to sending it back to the Senate, because if you gentlemen of the Democratic majority want real revision, and want to send a bill to the President with the assurance that he must sign it, because it is in accordance with the Tariff Board, you ought to vote to concur in this amendment now. This country is demanding some action in the way of tariff revision, and is insisting that neither side play politics with reference to this great question. [Applause.]

Mr. HARRISON of New York. Mr. Speaker, I am in favor of disagreeing to the Senate amendment. A year ago, under instructions from my committee, I was one of the conferees who voted for the compromise bill with the Senate, but during the year that has passed the conditions have materially changed. During this interval the three great political parties have made their nominations for the Presidency, and it seems perfectly clear to us, and I believe it is clear to you gentlemen on the other side, that on the 4th of March next a Democratic President will be inaugurated. [Applause on the Democratic side.] Now, if I am right in that forecast, I am in favor of waiting until we get a Democratic administration and can pass Democratic tariff bills. [Applause on the Democratic side.] I am in favor of passing the Underwood bill, and am not in favor of passing the La Follette bill. The La Follette bill has been under discussion both in the Senate and in the House many times, and it is unnecessary for me now to detain this House with a more lengthy discussion of its features.

Mr. LENROOT. Will the gentleman yield?

Mr. HARRISON of New York. With pleasure.

Mr. LENROOT. Can not the gentleman afford some relief to the people by passing this bill now, and then, if his prediction is true, pass a Democratic bill later?

Mr. HARRISON of New York. If we pass a revision of the woolen schedule now, the business community of the country will be entitled to some relief from further agitation on that specific schedule, and rather than imperil a genuine Democratic revision of the woolen schedule, I am willing to postpone for six months the possibility of securing the relief that the people demand.

Mr. LENROOT. One more question.

Mr. HARRISON of New York. With pleasure.

Mr. LENROOT. Does the gentleman think the business interests will not be agitated in the meantime?

Mr. HARRISON of New York. I think that one revision of one tariff schedule in six months is enough, and I am in favor of waiting those six months to get some genuine relief. This Democratic Congress was sent here by the consumers of the country and not by the producers. Your Tariff Board report, to which you make reference, is a producers' report. It deals exclusively with the difference in the cost of production, if any, here and abroad. It is written in the interest of the woolen producers and the woolen manufacturers, and it has no bearing upon a genuine revision of the tariff in the interest of the consuming public. The best proof that I can give in support of my assertion is that the Republican Party themselves, in their recent platform, have entirely abandoned their previous declarations in favor of fixing tariff rates by a difference in cost of production here and abroad. In the present platform they do not say a word about that. They have dropped it entirely, and with it they ought to drop the pretense of fixing tariff rates upon the report of their Tariff Board, because that report of the Tariff Board deals practically exclusively with trying to find out an assumed difference in cost of production here and abroad in the production of wool and in the manufacture of woolen articles.

The Democratic Party were able to drive the Republican Party from their platform position of awarding a reasonable profit to American manufacturers in addition to this assumed difference in cost of production. Now we have been able to drive the Republican Party entirely from their whole platform position, and they did not have the temerity in the platform recently adopted at Chicago to insist upon measuring tariff rates by the difference in cost of production here and abroad. It was found upon an analysis and examination of the Tariff Board's report on wool and woolens that it was impossible to discover the cost of production in this country, let alone the difference in cost of production here and abroad; and for anyone to pretend that that report of the Tariff Board furnishes any basis whatever for the fixing of rates for a woolen schedule is to fly in the face of facts.

I am in favor of passing a Democratic revision of the woolen schedule. I am not in favor of compromising for a frankly protective measure, and I hope this House will flatly refuse to agree to the Senate amendment. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HILL. Mr. Speaker, there are three measures pending before the House at this time. I ask unanimous consent that I may have 5 minutes on each one; that is 15 minutes altogether.

Mr. UNDERWOOD. I have no objection to the gentleman having 15 minutes, but I should like to see if I can get an agreement with the gentleman from New York about the length of time to be occupied before a vote is taken.

Mr. PAYNE. I do not know of anyone who wants to speak on this side except the gentleman from Connecticut [Mr. HILL], the gentleman from Massachusetts [Mr. MCCALL], and the gentleman from Indiana [Mr. CRUMPACKER].

Mr. UNDERWOOD. How much time will they consume?

Mr. HILL. I should like 15 minutes—5 minutes on each bill.

Mr. UNDERWOOD. On the Hill bill, the La Follette bill, and the Underwood bill.

The SPEAKER. Five minutes on each of the three wool bills.

Mr. UNDERWOOD. Yes; 15 minutes. But when the debate is closed, we will vote on them all at one time.

Mr. HILL. Yes; I understand. We have got to make our choice between these three, and I think we ought to consider them all at one time.

The SPEAKER. How much time does the gentleman from Massachusetts desire?

Mr. MCCALL. Five minutes.

The SPEAKER. And how much time does the gentleman from Indiana desire?

Mr. PAYNE. The gentleman from Indiana wishes five minutes.

The SPEAKER. That will be 25 minutes.

Mr. UNDERWOOD. The gentleman wants 25 minutes on that side?

Mr. PAYNE. Yes.

Mr. UNDERWOOD. Then, Mr. Speaker, I ask that all debate on this bill be closed in 50 minutes, 25 minutes to be controlled by the gentleman from New York and the other 25 to be controlled by myself.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this bill be closed in 50 minutes, 25 minutes of that time to be controlled by himself and 25 by the gentleman from New York, it being understood that the gentleman from Connecticut [Mr. HILL] is to have 15 out of the 25.

Mr. UNDERWOOD. I assume that the gentleman from New York is going to yield 15 minutes to the gentleman from Connecticut.

Mr. PAYNE. I yield 15 minutes to the gentleman from Connecticut.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Connecticut is recognized for 15 minutes.

Mr. HILL. Mr. Speaker, the three bills pending are, first, the Underwood bill, originally introduced from the Ways and Means Committee, giving 20 per cent duty on wool and 40 per cent duty on cloth, these being the principal items in the bill; second, the Senate amendment prepared and presented by Senator LA FOLLETTE, giving 35 per cent duty on wool and 55 per cent duty on cloth; and third, the Republican House bill, supported I believe by every Republican on this side of the Chamber, giving the rates called for in accordance with the report of the Tariff Board.

The gentleman from New York [Mr. HARRISON] gives it as his opinion that it is impossible to ascertain the difference in the cost of production at home and abroad, and that therefore, the report of the Tariff Board is of no value. If the gentleman is right, then he stands facing the opposite opinion of the whole world, because most of the business in this world has for its basis the fixing of the selling price upon the cost of the product that is sold.

Mr. HARRISON of New York. Mr. Speaker, will the gentleman yield?

Mr. HILL. Certainly.

Mr. HARRISON of New York. The gentleman must concede that the selling price has very little to do with the cost of production.

Mr. HILL. I do not concede it. The selling price must be in accord with cost, or production ultimately stops in any line of business.

What are the characteristics of the Republican bill which was presented by this House and voted for by every Republican? First, that all unnecessary and ineffective duties in the wool schedule as shown clearly and explicitly by the Tariff Board should be eliminated, and they were eliminated. Second, that cotton should not bear a wool duty, coming in in woolen fabrics or woolen manufactures. That great fault in the wool schedule is inherent, both in the Underwood bill and in the La Follette bill, which my friend from Wisconsin [Mr. LENROOT] says he proposes to vote for in preference to the House bill. The Underwood bill absolutely puts a pair of rubber boots—to use the old, familiar illustration—under the wool duty. The La Follette bill does not do that particular thing, but errs in other respects. The Republican bill puts them where they belong, in the rubber schedule or under the clothing paragraph limiting the wool duty to the wool contained therein and nothing more. The

compensatory duty is based exactly upon the report of the Tariff Board.

Another thing. The Republican bill puts carpet wool on the free list, and carpet wool constitutes 60 per cent of our raw-wool importations. That is a Republican proposition. It is a noncompetitive product, which ought not to bear any duty. The La Follette bill makes it dutiable at 10 per cent. The Democratic bill makes it dutiable at 20 per cent, and adds to the cost of the American product, an increase in the cost of every carpet put into every home in the United States.

So much for the distinctive characteristics of that particular bill. It is protective in every item, and yet it is lower than the Democratic bill presented here by the Ways and Means Committee, so far as the whole schedule is concerned, not in particular items. I am perfectly free to admit that you can pick out items from the Republican bill which are higher than the Democratic bill; but the schedule as a whole is lower under the Republican bill, the bill which the Republicans voted for, by several per cent—at least 6 or 8 per cent—than the bill presented by the Democratic members of the Ways and Means Committee.

Now, in regard to the La Follette bill. What is it? I have said that the La Follette bill puts a wool duty on cotton. It does. It differs from the Democratic bill in this respect, that under the La Follette bill the article of chief value must be wool, but any article containing 51 per cent in value of wool and 49 per cent of cotton would come into this country with the cotton bearing the same duty as the wool. No such restriction is found in the Democratic measure. If there is one single woolen yarn in a piece of cloth and all the rest is cotton or jute, under your Democratic measure it bears the full wool duty. That is not in accordance with the report of the Tariff Board.

Now, then, as to the rates. The gentleman from Wisconsin says that he proposes to vote for the La Follette bill and vote down the motion for the bill which he voted for before. Does he deem the La Follette bill a better measure? Let me show him. Thirty-five per cent on wool, 55 per cent on cloth, means 34 per cent on woolen cloth on the basis of free wool. The Wilson bill, with free wool, gave 40 per cent on cloth worth less than 50 cents a pound, and every one of you gentlemen know that the cloth that is made worth less than 50 cents a pound is exceedingly rare, because the scoured wool alone is worth on the average 45 cents. The Wilson bill gave 50 per cent on cloth worth more than 50 cents a pound, and that was all of it practically, and this La Follette bill gives 34 per cent net on woolen fabrics, 16 per cent less than the Wilson bill of 1894. The Underwood bill gives 28 per cent, where the La Follette bill gives 34 per cent, where the Wilson bill gave 50 per cent. Take that home to yourselves and judge what the result will be. We are facing a campaign. I want to ask the Republicans on this side if they are going before their constituents and say that they voted here for a proposition that cut the duty on woolen fabrics 16 per cent below that which they had been condemning for the last 18 years? Are you? I say to Republicans and Democrats alike there is no halfway house in this country. Under both party declarations now there is no halfway house between English free trade and protection. [Applause on the Republican side.] We will have either protection based on the difference in the unit cost of production, fair alike to the consumer and the producer, or we will have English free trade. There is no mistake about that. It is such protection absolutely on farm products, on citrus fruits, on lead and zinc, on iron and steel, on every schedule in the tariff, measured by the difference in the unit cost of production, or it is English free trade on them all, and the people of the United States have got to take their choice in this campaign. Talk to me, the hypocritical talk that you can, about a tariff rate below the difference in the unit cost of production and not hurt an industry! Take this very schedule and talk about not injuring the industry! Ninety-six per cent of the entire consumption in this line of industry is home production now. Only 4 per cent is imported, and yet the Democratic bill, made according to the report of the Democratic committee, absolutely provided for the additional importation of 200,000,000 pounds of foreign wool, either in its raw state or in the fabric. Can that be done without hurting the domestic industry? It provided for an additional importation of $40,000,000 worth of foreign cloth. It transferred the labor of 25,000 men from this country to Europe. Can it be done without injuring the American industry? Oh, I say to you, gentlemen, that it is time to think. Read your own platform, and read our platform. You can not go below the difference in the unit cost of production without encouraging foreign importations. When you encourage foreign importations you drive out the domestic product. That is your modern idea of a tariff for revenue only.

My Democratic friends, if you want a definition of a tariff for revenue only, go back to the South Carolina nullification convention of 1832, that all protected articles must go on the free list, all customs duties laid must be laid on noncompetitive products. That is a tariff for revenue only, and your platform has compelled your candidate to stand upon it, with the declaration that you have no power to lay or collect duties on any other basis. The Republican platform is to-day, and it has been for four years, for protection measured by the difference in the unit cost of production at home and abroad, but with an amendment now that if any duties are higher than that they shall be reduced, after an investigation—careful, protracted, and thorough—by an independent, nonpartisan tariff board. Such investigation has been made in the bill presented here by the gentleman from New York [Mr. PAYNE], cheerfully, enthusiastically, and patriotically offered by him as an amendment to the present law which bears his name. Is there any Republican on this side of the House who will go back upon his former vote in favor of that proposition and advocate for any reason whatever the bill presented by the gentleman from Wisconsin [Mr. LA FOLLETTE] in the Senate, 15 per cent below the Wilson bill? If he does, I wish him joy in answering some of the questions which his constituents, I fear, will ask him during the coming campaign, for, as I have said, there is no halfway house where the Secretary of the Treasury of the United States can stand and collect duties below the difference in the cost of production and not injure, exterminate, or embarrass the American industries upon which those duties are laid. One thing more: I commend to the chairman of the Ways and Means Committee in the conference just about to come, the following telegram.

The SPEAKER. The time of the gentleman has expired.

Mr. HILL. Just let me read this telegram as to the date when this bill shall go into effect.

Farmers, dealers, manufacturers, wholesale and retail clothiers, all carry large investments in raw and finished wool, therefore would recommend in the event of possibility of passage of wool bill, let a period of 9 to 12 months be allowed before bill takes effect. Early date as September might bankrupt many.

The La Follette bill provides for going into effect on the 1st of January, and the Democratic bill, if I am not mistaken, does the same thing. Even the Wilson bill, 18 years ago, recognizing that it took 8 to 12 months to manufacture and put woolen goods on the market, provided a difference of about 6 months between the time when the duty on wool and the duty on the finished product should go into effect. I commend that to the consideration of the chairman of the committee. [Applause.]

Mr. KITCHIN. I do not know of anybody on this side who wants to talk now except Mr. UNDERWOOD.

Mr. PAYNE. If there is only one person on that side, very well.

Mr. KITCHIN. I think Mr. UNDERWOOD will close the debate and perhaps be the only one. Suppose the gentleman now yields to the gentleman from Indiana.

Mr. PAYNE. I will yield to the gentleman from Indiana if the gentleman will send for Mr. UNDERWOOD.

Mr. KITCHIN. I have sent for him; he is at luncheon.

Mr. PAYNE. I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, at the last session of Congress the so-called Underwood bill for the revision of the tariff on wool was passed by the House and sent to the Senate. The Senate substituted, as I understand, the same bill for the Underwood bill that it presents now. When the measure came back to the House the amendment was disagreed to and the bill was put into conference, and the result was the compromise bill that was vetoed by the President. We have traveled exactly along the same course up to this point in relation to the revision of the woolen schedule at this session of Congress, and it seems that gentlemen on the other side desire to put the same bill into conference again with the hope or expectation of compromising on substantially the same bill as before, with the expectation, I have no doubt—the gentleman from New York [Mr. HARRISON] almost expressed the hope—that it will be vetoed by the President, and there will be no legislation on the wool schedule at all.

Mr. HARRISON of New York. Mr. Speaker, I will call the gentleman's attention to the fact that no request for a conference has been made.

Mr. CRUMPACKER. That is involved in the proposition to disagree to the Senate amendment. It would almost of necessity mean a conference.

Mr. HARRISON of New York. Not at all; there is no request for a conference being made by the House.

Mr. CRUMPACKER. I wondered if the gentleman from New York in his remarks a few minutes ago expressed the senti-

ment of the Democratic side of the House when he, in effect, said the purpose of the Democrats was to practically defeat legislation upon the woolen schedule at this session of Congress, with the expectation that on the 4th day of next March there would be a Democratic President inaugurated, and then there would be a real Democratic revision of the tariff.

Mr. HARRISON of New York. Will the gentleman be courteous enough to yield? I call attention to the fact the La Follette bill is not to go into effect until the 1st of next January.

Mr. CRUMPACKER. It is not a question of the date of its going into effect so much as the certainty of revising this important schedule. Besides, it would be necessary in a measure of this kind to provide that it shall not become operative until some time after its passage, so that business would have time to adjust itself. Let me ask gentlemen on the other side if it is their purpose and intention to prevent the revision of the woolen schedule until the next administration? If that is the attitude of the Democratic Party, let it be known to the country, let the Democratic side of the House carry the responsibility of defeating a measure which, if they would agree to now, would become a law.

Mr. HARRISON of New York. The gentleman knows and every man on that side of the House knows that we have long desired to revise the woolen schedule, and if you will agree to the Underwood bill, you will have a revision now. [Applause on the Democratic side.]

Mr. CRUMPACKER. It looks to the ordinary citizen as if this question had been nursed along for campaign purposes. The Senate amendment will operate in a reduction of the duty on the woolen schedule of from 45 to 50 per cent all along the line. Here is an opportunity, gentlemen, to pass a bill that will reduce the duties on the clothing that the people of the country wear from 45 to 50 per cent. You have the opportunity to do it now.

Mr. HARRISON of New York. Who is responsible for the delay?

Mr. CRUMPACKER. We are not running the business of the House; we are in a helpless minority. I want to say a word in relation to the attitude of the gentleman from Connecticut [Mr. HILL]. He says the so-called La Follette proposition will reduce the duty on wool and woolen fabrics 16⅔ per cent below the rate of the Wilson tariff of 1894. I heard him not very long ago pronounce a very high encomium upon the Payne tariff, because it made the rates below the Wilson tariff.

Mr. HILL. On the whole 14 schedules.

Mr. CRUMPACKER. But the woolen schedule had no share in the glory of getting the duties down below the Wilson rate.

Mr. KITCHIN. I will yield the gentleman two minutes to answer this: Will the gentleman from Indiana [Mr. CRUMPACKER] say whether he favors the Hill bill or whether he favors the La Follette bill?

Mr. CRUMPACKER. If I had my way about it, I would enact the so-called Hill bill into law.

Mr. KITCHIN. Have you ever read it?

Mr. CRUMPACKER. With some degree of care.

Mr. KITCHIN. What is the difference between the Hill bill and the La Follette bill? How much is the difference in the rates?

Mr. CRUMPACKER. There is some difference in the rates. I think the Hill bill is a little higher in some respects.

Mr. KITCHIN. Is not the Hill bill 25 per cent higher?

Mr. CRUMPACKER. It is not; and it is more equitable in a good many respects.

Mr. Speaker, my attitude is this: There is an opportunity now of passing a bill that may become a law. We may agree to the substitute offered by the gentleman from New York [Mr. PAYNE], and that means conference. One bird in the hand is worth two in conference.

Mr. KITCHIN. Does the gentleman believe that the President would sign the La Follette bill?

Mr. CRUMPACKER. I am not authorized to speak for him, but I think he would.

Mr. KITCHIN. If so, why did all the stand-pat Republicans of the Senate vote against it?

Mr. CRUMPACKER. I am not responsible for anything in the Senate.

Mr. HILL. Did the gentleman say that the Payne bill as now offered as a substitute was 25 per cent higher than the La Follette bill?

Mr. CRUMPACKER. No, sir; I did not say that. I say the Senate amendment approximates the facts reported by the Tariff Board. That amendment provides a rate for a large class of fabrics at 55 per cent ad valorem. The rate on raw wool is 35 per cent. The rate on the fabric is 55 per cent, so the process of conversion of wool into cloth is protected by a 55 per cent rate plus the excess of the duty on raw wool of 20 per cent, and it seems to me that is high enough for protective purposes.

Mr. HILL. I wish to say that every individual member of the Tariff Board approves the bill of the gentleman from New York [Mr. PAYNE].

Mr. CRUMPACKER. I freely admit that the bill offered by the gentleman from Yew York [Mr. PAYNE] as a substitute for the Senate amendment, taken as a whole, is perhaps the most equitable and carefully prepared measure that has been submitted for consideration. As I said a moment ago, however, if that bill should be adopted as a substitute, the measure would be sent to the Senate and in all likelihood would go into conference. At this stage of the session it would mean that if the bill goes into conference the prospects for having an agreement between the two Houses and effective action would be very remote indeed. The Senate amendment which I have asked the House to agree to is a substantial embodiment of the essential facts contained in the Tariff Board's report. If the House should agree to that amendment the bill then would be ready to be submitted to the President for his approval. It is substantially different from the bill that passed the two Houses of Congress at the last session and was vetoed by the President. Furthermore, at that time the Tariff Board had made no report, and it was impossible for the President or anyone else to determine whether the bill that was submitted to him even approximately covered the difference in the cost of production here and in foreign countries. Conditions are different now. The report of the Tariff Board on the wool schedule has been before Congress over seven months, and careful examination of the report of the board will justify the conclusion that the Senate amendment substantially covers the difference in cost of production here and in foreign countries.

I am anxious for that amendment to prevail, because if it does I believe it means legislation. It means a thorough revision of the wool schedule. It means a reduction of the duties upon one of the great necessaries of life—from 45 per cent to 50 per cent on an average—and at the same time the maintenance of a rate of duties sufficiently high as to protect American manufacturers against disastrous foreign competition. It is of vital importance to have legislation at as early a date as is practicable, providing always that the legislation is wise and just. We are here offering our Democratic adversaries an opportunity to vote into law a provision that is safe and, from their standpoint, one that will relieve the consumers of woolen goods from a burden that our adversaries claim they have been unjustly carrying for many years.

They seem to hesitate because the measure is not one of their own creation, because it does not carry the label of "tariff for revenue only." They know full well that if the Senate amendment is not agreed to that the bill will go into conference and that it will either die there or that the conferees will report substantially the same bill that was reported last summer, which will be vetoed by the President. The President can not well do otherwise.

The country must know that all of this talk and pretense of revising the tariff schedules in the interest of the consumer is pure buncombe, read in the light of the action of the Democratic majority in this body. They stubbornly refuse to accept anything in the way of tariff revision that does not fully conform to their own unwise and dangerous policy. They will not accept a reduction of 50 per cent of the duties on wool, because they believe in a reduction of 60 per cent. If they can not get a whole loaf, they prefer no bread at all. If they can not secure for the people complete relief, from their own standpoint, they prefer to withhold from the people any relief at all. My judgment is that if their own bill were enacted into law it would paralyze the woolen industry in the country and throw hundreds of thousands of men and women out of employment and go a long way toward precipitating a general industrial panic.

We are told that the report of the Tariff Board is inaccurate and that it is subject to any one of a half dozen interpretations. These criticisms are unfair and unjust. It is true that the differences in the cost of production of woolen fabrics in this country and in foreign countries can not be ascertained to a mathematical certainty, because of the differences that exist in the cost of production in different individual mills and in different localities in the same country. One who studies the report of the Tariff Board with a view to finding facts that will authorize the maintenance of a very high duty upon woolens will accept the highest cost of production in this country as against the lowest cost of production in foreign countries, and upon this premise he will build a tariff that will be practically prohibitive. On the other hand, one who desires to eliminate all protective duties will study the report of the Tariff Board

to find justification for advocating free trade. He will take the lowest cost of production in the United States and compare it with the highest cost of production in foreign countries and conclude that it costs as much to manufacture woolens abroad as it does at home, and therefore there is no need of a tariff on woolen fabrics at all.

Honest, unbiased, sensible men will discover in the report of the Tariff Board the average cost of the great volume of woolen fabrics manufactured abroad that may enter our ports and occupy our markets against home production, unless there is a duty to protect the home product. They will not take the cost of production in a mill here that may produce cheaply, or another there that may produce at a very high cost, but they will take the difference in the cost of production of the great bulk in this country as compared with the great bulk of other countries, and from a business standpoint will ascertain the rate of duty that will be necessary to protect the American producer, and at the same time not be sufficiently high as to enable him to extort undue prices for his products from the consumer. It is a business question to be worked out by business methods.

I have given the Senate amendment careful study, and I am satisfied that under its operation no American industry will suffer. I feel assured that the duties carried in that amendment are high enough to protect every legitimate woolen industry in this country against destructive competition from abroad.

The present tariff on wool is unduly high. It is unscientific and unbusinesslike. If the Senate amendment should be agreed to and become a law, this Congress will have to its credit the enactment of no more important item of legislation than that, nor one that will meet with more earnest commendation of the people.

Mr. McCALL. Mr. Speaker, I am in favor of concurring in the Senate amendment, with the amendment proposed by the gentleman from New York [Mr. PAYNE]. With regard to the Senate bill I would say that, however high the opinion of gentlemen may be concerning the qualities of the author of that bill, and I admit the justice of much that is said in his favor, he did not have the benefit when he drew it of the investigations made by the Tariff Board. I am in favor of the amendment submitted by the gentleman from New York, because it comes as near as the seven minority members of the Ways and Means Committee could bring it to conform with the report of the Tariff Board. And unless we are to have a revision of the wool schedule along lines on which we as a party are pledged to draw such a bill, then I frankly say that the responsibility should go to the other side of the House for drawing a bill according to their theory. I do not believe in mongrel tariff bills which represent neither party, which may do harm, and which may benefit nobody, and for which no single party can be held responsible.

I agree with much that was said by the gentleman from New York [Mr. HARRISON]. I trust that the result may show that he is a false prophet, but if he is correct in his prophecy that Mr. Wilson will be President of the United States on the 4th of next March, then his position is entirely logical. His party has been in the minority for 16 years, and now when they see the promised land before them they compromise away their position on the tariff and agree to a tariff bill which does not conform to their views in any respect. I should hardly like to follow the gentleman as a prophet, because I might have to imitate Cassandra and prophesy evil. But we will have the issue fairly drawn, and if after the 4th of next March the Democratic Party is to be in control in the country and is to frame tariff legislation according to their platform and according to the speeches of its leaders during this session, then the American people will have an opportunity to judge from the effect upon industry, from the derangement, as I believe, of production which will follow, and the evil consequences of their action, whether they want tariff legislation upon Democratic lines or upon Republican lines. But if we compromise, if both parties agree here to a measure that is neither Republican nor Democratic, then no party can be held responsible. I am willing that those gentlemen who have the responsibility, if we are not to have a Republican tariff bill, should bear either the glory or the ignominy of whatever the result may be. [Applause on the Republican side.]

With regard to the bill which is called the "La Follette bill," it is clear that it does not accord with the Tariff Board report as to rates upon many important items, and especially in the character of duties. The Tariff Board recommended specific duties and the La Follette bill is made up of ad valorem duties. I would like to see, as I said, the report of the Tariff Board embodied in law.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a very brief question?

Mr. McCALL. Certainly.

Mr. LONGWORTH. Is there not another essential difference in that it does not follow the recommendation of the Tariff Board to assess the duty upon the scoured pound, and not upon the pound of raw wool? Is not that one of the very essential differences?

Mr. McCALL. The gentleman from Ohio is correct about that.

Now, I do not wish to say much more in regard to the report of the Tariff Board, which has been often criticized upon the floor of this House, but I will quote an authority who I think is an authority of the first rank. He is weighty because of the position he has held upon the tariff in the past, in view of his eminence as an economic scholar, and of the world-wide reputation which he bears. Prof. Taussig, of Harvard University, in an article published not long ago concerning the report of the Tariff Board, concluded in these words:

> Economists will long find in these volumes a mine of information, and will be grateful for them when the political squabbles which now turn on them have been forgotten.

I wish to have a law passed here, as our party is pledged to pass one, based upon the report of the Tariff Board. But if we can not have a law on that basis, then let the Democratic Party assume the responsibility, and let them act upon their theories and embody them in law. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, the report of this Tariff Board is the most remarkable document that has ever been presented to the Congress of the United States. The gentleman from Connecticut [Mr. HILL] states to this House, and I have no doubt in all good faith, so far as he is concerned, that his bill is sustained by the Tariff Board's report. The Senator from Wisconsin [Mr. LA FOLLETTE], at the other end of the Capitol, states to the Senate that his bill is sustained by the Tariff Board's report, and gentlemen on that side of the House assert that the La Follette bill should be passed, because the La Follette bill is written in conformity with the Tariff Board's report.

So far as I have been able to ascertain, the Tariff Board's report sustains the Democratic bill, so far as the report goes; and I want to challenge any man to point out where that report goes, in the ascertainment of facts of its own knowledge, beyond the question of a finding on raw wool and a finding on tops and a finding on yarn.

Now that is all the Tariff Board ever found as a matter of their own knowledge. It is true that they submitted certain samples of cloth to certain manufacturers in this country and abroad, asking them how much it would cost to make this sample in this country, and asking the foreign manufacturers how much it would cost to make it abroad—to make what they stated was a similar sample—and then they quote the statements of those manufacturers. Was that a finding of the Tariff Board? None whatever.

Now, outside of what they found on raw wool and on tops and on yarn, and these statements coming from third parties in reference to cloth, I challenge gentlemen to show me where they had made any statement about anything else in reference to the wool bill. [Applause on the Democratic side.]

Mr. HILL. Mr. Speaker, will the gentleman permit an interruption?

Mr. UNDERWOOD. Yes.

Mr. HILL. Does not the gentleman know that both the bill he had the honor to introduce and the bill that is now presented by the gentleman from Alabama [Mr. UNDERWOOD], with a motion to concur in the amendment, were written months before the Tariff Board made any report at all?

Mr. UNDERWOOD. Yes.

Mr. HILL. So that if there is any real harmony between the two it is a mere guess. The only change in the La Follette bill is a reduction of 5 per cent from the bill written months before the Tariff Board report was made, and the House bill is the same bill, with no change whatever on the part of the gentleman from Alabama. If there is any harmony, it is a good guess, that is all.

Mr. UNDERWOOD. I do not want the gentleman to take my time. I will yield to him all the time he wants. I am not contending that our bill was written on the report of the Tariff Board. I say the Tariff Board accepted the result of our findings and found the same result. [Applause on the Democratic side.]

There is not any man that can deny the proposition that the Tariff Board's findings as to the duty that should be levied on tops sustained the Democratic bill, and that as to the duty which should be levied on yarn they sustained the Democratic

bill, and you did not deny it when the bill was before the House. [Applause on the Democratic side.]

Now, on cloth there is no finding whatever, I say, by the Tariff Board. They went out to some manufacturers to ascertain what it would cost to make cloth here and abroad, and then they came back here and gave that statement as a report, and I asked what the cloth was and who the manufacturers were; they declined to give the information to the Committee on Ways and Means. And yet you ask the Congress of the United States to write a tariff bill on a report of facts that were assembled by British and American wool manufacturers [applause on the Democratic side], and it is on that kind of a report that you and your President desire to deny relief to the American people. [Applause on the Democratic side.]

Now, as I stated, the items reported on by the Tariff Board are about half the number of items in the tariff bill, and your board made no report whatever on the other items—merely threw it out, without information or any desire to give us information.

There was nothing in the world for the Committee on Ways and Means to do after that report came in but to stand by the bill it had originally reported to this House. That bill cuts the tax on raw wool nearly in half. It cuts the tax on the finished product of the woolen manufacturers nearly in half. It reduces the wool schedule from an average of 90 per cent on manufactured wool to 42 per cent. It is not a drastic bill. It is a very moderate tariff bill. And, eliminating what the manufacturer has to pay in the way of tariff on raw wool, it still leaves to the American manufacturer of cloth 32 per cent ad valorem protection.

Now, when this total labor cost, as shown by the report, is only 21 per cent, and the difference in the labor cost is admitted by everyone to be only one-half, and 10 or 11 per cent ad valorem would equal the difference in labor cost, here is a bill that gives the manufacturer 32 per cent protection. Do you say that is drastic and unfair to the American manufacturer? It gives him more than an ample protection.

But the Democratic Committee on Ways and Means did not attempt to be radical in this matter. It did not pretend to be radical. The Democratic platform that was in existence when the bill was written favored a gradual reduction of these tariff rates, and we made a gradual reduction in this bill.

The Tariff Board report has been made. That was an excuse why the President would not sign the woolen bill. Gentlemen on that side predicted that this bill would never come back to the House. It is here. I am not in favor of the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. I am ready now and will be ready when this bill goes to conference to give relief to the American people, even if I can not give all the relief that I believe is right and fair and just. [Applause on the Democratic side.]

Mr. ALLEN. Will the gentleman yield?

Mr. UNDERWOOD. I do.

Mr. ALLEN. Is it the purpose in sending the bill to conference to try to defeat legislation, or is it the intention to try to harmonize the differences between the two Houses and agree on a bill as speedily as possible?

Mr. UNDERWOOD. I will say to the gentleman that, of course, I can not answer for my colleagues on the committee. I am assuming that as chairman of the Committee on Ways and Means I will be on the conference committee, and I will speak for myself. So far as I am concerned, my purpose is, if possible, to relieve the American people from the burden of taxation that now rests on them, and I should like to relieve them at once.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. MANN. The gentleman's motion so far has not asked for a conference.

Mr. UNDERWOOD. I do not expect to ask for a conference now.

Mr. MANN. Because the Senate may recede?

Mr. UNDERWOOD. There may be a question as to whether the Senate will recede. I will be perfectly candid with the gentleman and with the House. My reason in not asking for a conference now is because I prefer my bill to the compromise bill. If I can get my bill, I am going to try to get it.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. LENROOT. Would the gentleman prefer his bill vetoed to a compromise bill signed?

Mr. UNDERWOOD. I will say to the gentleman from Wisconsin that I believe there is a greater probability of the President of the United States signing the Democratic House wool bill than there is of his signing Senator LA FOLLETTE's bill. [Applause on the Democratic side.] I think there is very much stronger probability, and there is a reason for it. I will tell you why. The La Follette bill has made practically no reduction on raw wool. It has made a reduction on the finished product. The burden of the La Follette bill on the manufacturer will be very much heavier because of the high tax it puts on raw wool and because of the reduction on the finished product than the Democratic tariff bill will be. There is no use of concealing that fact. There is a broader margin between our tax on raw wool and the tax on the finished product than there is in the Senate mendment.

Mr. KITCHIN. But our bill, on the whole, is lower.

Mr. UNDERWOOD. But our bill, on the whole, is lower than the Senate bill would be and less burden on the American people, because we do not put as high a tax on raw wool. That is the whole difference.

Mr. LENROOT. Which bill does the gentleman think offers greater competition from abroad?

Mr. UNDERWOOD. I think our bill does, because it is lower.

Mr. LENROOT. One more question. Is that to the interest of the American manufacturer, does the gentleman think?

Mr. UNDERWOOD. The competition with the American manufacturer comes when you estimate his cost. You could leave the Payne tariff rate, averaging 90 per cent on the finished product, and put a high enough tax on raw wool to put the American manufacturer out of business, notwithstanding the fact that the present rate is purely prohibitory, because when you increase the manufacturer's cost here by increasing his cost of raw wool you enable the foreigner to come in and compete with him, because you cut down his margin of profit.

Mr. KITCHIN. Because the foreigner pays no duty on raw wool.

Mr. UNDERWOOD. Certainly. The foreigner pays no duty on raw wool. If you put the rate high enough on raw wool, even under the Payne law, you could put the manufacturer out of existence. And there is where I criticize the Senate bill. I say there is no justification for the Senate bill. Under the theory of protection, with the tax you have on raw wool, the report of the Tariff Board showed clearly, if it showed anything—and the report of the Tariff Board on raw wool was more full and complete than all the balance of their report put together—they showed conclusively that so far as territorial wool is concerned there was no necessity of levying any tariff whatever for the purpose of protection, and the only place where they held that a tariff was necessary to be levied for protection on raw wool was for the merino sheep in Ohio and that section of the country. There they said that your present tariff rate of 11 and 12 cents a pound was not high enough to protect the growing of that class of sheep, but they also said that the half-breed sheep that could be sold for mutton, that was raised in Ohio and that country, could be grown without any tariff protection whatever on the wool.

If we were writing the tax on the theory of protection, there is nothing in this Tariff Board report that would justify our putting one cent of tax on raw wool. The Democratic Party put a tax on raw wool, not for protection, but for the purpose of raising $17,000,000 revenue that we felt we could not dispense with. That is why we put the tax on raw wool.

Mr. LONGWORTH. Why, then, does the gentleman put raw wool on the free list, when it produces a very large revenue, when the gentleman admits that the revenue is necessary?

Mr. UNDERWOOD. It is a matter of discretion as to where you shall levy a tax for revenue, and the Democratic position on sugar recognized the fact that sugar produces a large amount of revenue; but we said that the tax on sugar went into the home of every man in the United States, high or low, rich or poor.

Mr. LONGWORTH. Does not wool go into every home?

Mr. UNDERWOOD. Not as fully as sugar does. And we substituted for the $50,000,000 tax raised on sugar an excise tax to raise $60,000,000 from the pockets of the wealth of this country. [Applause on the Democratic side.] By that substitution we felt that we could put sugar on the free list, and the reason we have the tax on raw wool is for the purpose of raising revenue, and that alone. Therefore I say you can not go by this Tariff Board report. There is no man on that side of the House that dares say it is a full and complete report. There are no two men on that side of the House who can come to the same conclusion, if you locked them up in different rooms, as to what the Tariff Board's report means. As a matter of fact, when the gentleman from Connecticut [Mr. HILL] brought in his bill before the Ways and Means Committee and submitted it as a substitute, the roll was called, and a record was

taken—and therefore I am not disclosing the secrets of the committee that are not liable to be given out—and the balance of his colleagues did not vote, because they did not know what was in the bill, and he had to sustain the bill in the committee alone.

Mr. HILL. To what bill does the gentleman refer? Every one of them voted for it.

Mr. UNDERWOOD. The wool bill.

Mr. HILL. Why, certainly; it was presented upon the floor of the House by the gentleman from New York [Mr. PAYNE].

Mr. UNDERWOOD. If I am mistaken, Mr. Speaker, I apologize.

Mr. HILL. The gentleman is no more mistaken than in regard to many other things, but he has made a complete mistake in regard to this.

Mr. UNDERWOOD. My recollection is that when the gentleman presented his bill before the committee his colleagues said they did not know what was in his bill and therefore would not vote for it.

Mr. HILL. The gentleman is entirely mistaken in reference to the wool bill. The bill was presented by the gentleman from New York [Mr. PAYNE].

Mr. UNDERWOOD. Mr. Speaker, some of my colleagues advise me that it was the gentleman's cotton bill in respect to which that happened.

Mr. HILL. Oh, we will take that up later.

Mr. UNDERWOOD. But it was in reference to a Tariff Board report, and it merely illustrates the proposition I made—that after the gentleman had written a bill following the Tariff Board report on cotton, his own colleagues could not recognize it. [Laughter on the Democratic side.]

Mr. HILL. I am entirely prepared now to discuss that proposition. Does the gentleman desire to discuss the cotton question at this time?

Mr. UNDERWOOD. No.

Mr. HILL. Then I would suggest that he confine himself to the wool bill.

Mr. PAYNE. Mr. Speaker, my suggestion was that the gentleman from Alabama called up the cotton bill without notice, and I had not even read the cotton bill prepared by the gentleman from Connecticut, and I did not know anything about it.

Mr. UNDERWOOD. Mr. Speaker, I hope that this House will send this bill back to the Senate, disagreeing to the Senate amendments. I hope when the bill goes to the Senate that body will change its mind and conclude to abandon its amendments and send this House bill to the President of the United States. If the Senate does that, then, in compliance with his pledges, in compliance with his statement to the American people that after a tariff board had given Congress the information it desired he was in favor of legislation, he will be compelled to sign the bill. If a Democratic House and a Republican Senate send him legislation, I contend that he can not refuse to sign it without stultifying himself before the American people. [Applause on the Democratic side.] But if the Senate of the United States concludes not to accept the House bill and insists on its amendments and asks for a conference, then the committee on conference, at least those representing this side of the House, will go to that conference in the hope that they can reach an agreement that will ultimately secure relief to the American people.

Mr Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from New York to concur with an amendment.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk called the roll; and there were—yeas 78, nays 158, answered "present" 8, not voting 146, as follows:

YEAS—78.

Austin	Griest	Miller	Speer
Barchfeld	Haugen	Mondell	Steenerson
Bartholdt	Hawley	Moore, Pa.	Stephens, Cal.
Bowman	Howland	Mott	Sterling
Burke, S. Dak.	Hughes, W. Va.	Needham	Stevens, Minn.
Calder	Humphrey, Wash.	Norris	Sulloway
Cannon	Kahn	Patton, Pa.	Switzer
Copley	Kendall	Payne	Taylor, Ohio
Crago	Kennedy	Pickett	Tilson
Crumpacker	Kinkaid, Nebr.	Plumley	Towner
Curry	Knowland	Pray	Utter
Foss	Lafean	Prince	Vare
French	La Follette	Prouty	Volstead
Fuller	Longworth	Rees	Wedemeyer
Gardner, Mass.	McCreary	Roberts, Mass.	Willis
Gardner, N. J.	McKinley	Rodenberg	Wilson, Ill.
Gillett	McKinney	Sells	Young, Kans.
Good	McLaughlin	Simmons	Young, Mich.
Green, Iowa	McMorran	Sloan	
Greene, Mass.	Mann	Smith, Saml. W.	

NAYS—158.

Adair	Driscoll, D. A.	James	Rauch
Adamson	Estopinal	Johnson, Ky.	Reilly
Akin, N. Y.	Evans	Johnson, S. C.	Robinson
Alexander	Fergusson	Jones	Rothermel
Allen	Finley	Kent	Rouse
Anderson, Minn.	Flood, Va.	Kinkead, N. J.	Rubey
Anderson, Ohio	Floyd, Ark.	Kitchin	Rucker, Colo.
Ansberry	Foster	Konig	Russell
Ashbrook	Fowler	Korbly	Shackleford
Bathrick	Francis	Lamb	Sharp
Beall, Tex.	Gallagher	Lee, Ga.	Sims
Blackmon	George	Lee, Pa.	Sisson
Boehne	Glass	Lenroot	Slayden
Brantley	Godwin, N. C.	Lever	Small
Buchanan	Goeke	Lindbergh	Smith, Tex.
Bulkley	Goodwin, Ark.	Linthicum	Stanley
Burke, Wis.	Graham	Littlepage	Stedman
Burleson	Gray	Lloyd	Stephens, Nebr.
Burnett	Gregg, Pa.	Lobeck	Stephens, Tex.
Byrns, Tenn.	Gregg, Tex.	McCoy	Stone
Candler	Gudger	McDermott	Sulzer
Carlin	Hamill	McKellar	Sweet
Claypool	Hamlin	Maguire, Nebr.	Taggart
Clayton	Hammond	Maher	Talcott, N. Y.
Cline	Hanna	Martin, Colo.	Taylor, Colo.
Connell	Hardy	Mays	Thayer
Conry	Harrison, Miss.	Morrison	Townsend
Cox, Ind.	Harrison, N. Y.	Moss, Ind.	Tribble
Cullop	Hay	Murray	Tuttle
Curley	Hayden	Neeley	Underwood
Davis, Minn.	Heflin	Oldfield	Watkins
Davis, W. Va.	Helgesen	O'Shaunessy	Webb
Dent	Henry, Tex.	Padgett	Whitacre
Dickinson	Hensley	Page	White
Dickson, Miss.	Holland	Pepper	Wilson, Pa.
Difenderfer	Houston	Post	Witherspoon
Dixon, Ind.	Howard	Pou	Woods, Iowa
Donohoe	Hull	Rainey	The Speaker
Doremus	Humphreys, Miss.	Raker	
Doughton	Jacoway	Ransdell, La.	

ANSWERED "PRESENT"—8.

Berger	Butler	Hill	Parran
Browning	Dwight	McCall	Sparkman

NOT VOTING—146.

Aiken, S. C.	Denver	Hughes, Ga.	Powers
Ainey	Dies	Hughes, N. J.	Pujo
Ames	Dodds	Jackson	Randell, Tex.
Andrus	Draper	Kindred	Redfield
Anthony	Driscoll, M. E.	Konop	Reyburn
Ayres	Dupré	Kopp	Richardson
Barnhart	Dyer	Lafferty	Riordan
Bartlett	Edwards	Langham	Roberts, Nev.
Bates	Ellerbe	Langley	Roddenbery
Bell, Ga.	Esch	Lawrence	Rucker, Mo.
Booher	Fairchild	Legare	Sabath
Borland	Faison	Levy	Saunders
Bradley	Farr	Lewis	Scully
Broussard	Ferris	Lindsay	Sheppard
Brown	Fields	Littleton	Sherley
Burgess	Fitzgerald	Loud	Sherwood
Burke, Pa.	Focht	McGillicuddy	Slemp
Byrnes, S. C.	Fordney	McGuire, Okla.	Smith, J. M. C.
Callaway	Fornes	McHenry	Smith, Cal.
Campbell	Garner	McKenzie	Smith, N. Y.
Cantrill	Garrett	Macon	Stack
Carter	Goldfogle	Madden	Stephens, Miss.
Cary	Gould	Martin, S. Dak.	Talbott, Md.
Catlin	Guernsey	Matthews	Taylor, Ala.
Clark, Fla.	Hamilton, Mich.	Moon, Pa.	Thistlewood
Collier	Hamilton, W. Va.	Moon, Tenn.	Thomas
Cooper	Hardwick	Moore, Tex.	Turnbull
Covington	Harris	Morgan	Underhill
Cox, Ohio	Hartman	Morse, Wis.	Vreeland
Cravens	Hayes	Murdock	Warburton
Currier	Heald	Nelson	Weeks
Dalzell	Helm	Nye	Wilder
Danforth	Henry, Conn.	Olmsted	Wilson, N. Y.
Daugherty	Higgins	Palmer	Wood, N. J.
Davenport	Hinds	Patten, N. Y.	Young, Tex.
Davidson	Hobson	Peters	
De Forest	Howell	Porter	

So the motion to concur with an amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. JACKSON (to concur) with Mr. HUGHES of New Jersey (against).

Mr. BROUSSARD with Mr. THISTLEWOOD.

Until August 1:

Mr. Cox of Ohio with Mr. ANTHONY.

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Until further notice:

Mr. FERRIS with Mr. GUERNSEY.

Mr. PATTEN of New York with Mr. REYBURN.

Mr. FIELDS with Mr. LANGLEY.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. PALMER with Mr. HILL (with mutual privilege to transfer).

Mr. SAUNDERS with Mr. FOCHT.

Mr. PETERS with Mr. MCCALL.

Mr. FAISON with Mr. DE FOREST.

Mr. THOMAS with Mr. VREELAND.
Mr. SHERWOOD with Mr. WOOD of New Jersey.
Mr. EDWARDS with Mr. DALZELL.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. GARRETT with Mr. FORDNEY.
Mr. SHEPPARD with Mr. BATES.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. SCULLY with Mr. BROWNING.
Mr. CALLAWAY with Mr. MICHAEL E. DRISCOLL.
Mr. LITTLETON with Mr. DWIGHT.
Mr. LEGARE with Mr. LOUD.
Mr. DUPRÉ with Mr. WILDER.
Mr. PUJO with Mr. SLEMP.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. TAYLOR of Alabama with Mr. HARTMAN.
Mr. AIKEN of South Carolina with Mr. AINEY.
Mr. AYRES with Mr. AMES.
Mr. BARNHART with Mr. BURKE of Pennsylvania.
Mr. BORLAND with Mr. CATLIN.
Mr. BROWN with Mr. DANFORTH.
Mr. CANTRILL with Mr. DODDS.
Mr. CARTER with Mr. DRAPER.
Mr. CLARK of Florida with Mr. HAMILTON of Michigan.
Mr. COLLIER with Mr. FARR.
Mr. COVINGTON with Mr. HARRIS.
Mr. DAUGHERTY with Mr. HEALD.
Mr. DAVENPORT with Mr. HENRY of Connecticut.
Mr. DIES with Mr. HIGGINS.
Mr. ELLERBE with Mr. CURRIER.
Mr. FITZGERALD with Mr. HINDS.
Mr. GARNER with Mr. HOWELL.
Mr. GOLDFOGLE with Mr. LAWRENCE.
Mr. HAMILTON of West Virginia with Mr. LAFFERTY.
Mr. HELM with Mr. MCGUIRE of Oklahoma.
Mr. HUGHES of Georgia with Mr. MCKENZIE.
Mr. KINDRED with Mr. MARTIN of South Dakota.
Mr. LEVY with Mr. POWERS.
Mr. MCGILLICUDDY with Mr. MATTHEWS.
Mr. MOON of Tennessee with Mr. MOON of Pennsylvania.
Mr. RICHARDSON with Mr. NYE.
Mr. SHERLEY with Mr. OLMSTED.
Mr. SMITH of New York with Mr. PORTER.
Mr. STEPHENS of Mississippi with Mr. ROBERTS of Nevada.
Mr. UNDERHILL with Mr. J. M. C. SMITH.
Mr. WILSON of New York with Mr. SMITH of California.
Mr. YOUNG of Texas with Mr. KOPP.

For the session:

Mr. BURGESS with Mr. WEEKS.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. BELL of Georgia with Mr. LANGHAM.
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. BARTLETT with Mr. BUTLER.
Mr. TURNBULL with Mr. HAYES.

Mr. BROWNING. Mr. Speaker, I find I am paired with Mr. SCULLY, of New Jersey. I voted "aye." I desire to withdraw my vote and answer "present."

The name of Mr. BROWNING was called, and he answered "Present."

Mr. MCCALL. Mr. Speaker, I voted "aye," and I am paired with my colleague Mr. PETERS, and I desire to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MCCALL was called, and he answered "Present."

Mr. DWIGHT. Mr. Speaker, I am paired with Mr. LITTLETON, of New York. I voted "aye," and desire to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. DWIGHT was called, and he answered "Present."

Mr. BUTLER. Mr. Speaker, I have a general pair with the gentleman from Georgia, Mr. BARTLETT. I find he is absent. I voted "aye," and I would like to withdraw my vote.

The SPEAKER. Call the gentleman's name.

The name of Mr. BUTLER was called, and he answered "Present."

The SPEAKER. Call my name.

The name of Mr. CLARK of Missouri was called, and he voted "no."

The result of the vote was announced as above recorded.

The SPEAKER. The question is—did the gentleman from Indiana want to offer his motion?

Mr. CRUMPACKER. I thought it was pending; if it is not, I move the House concur in the Senate amendment.

The SPEAKER. The question is on concurring in the Senate amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. ASHBROOK. Mr. Speaker, I ask for the yeas and nays.

Mr. CRUMPACKER. Mr. Speaker, I ask for the yeas and nays on the vote.

The SPEAKER. Forty-three gentlemen have arisen, not a sufficient number. It takes 46——

Mr. CRUMPACKER. Mr. Speaker, I demand the other side. The negative was taken.

The SPEAKER. On this vote the ayes are 43, the noes are 192; 43 is a sufficient number, and the Clerk will call the roll. [Applause.] This vote is on the motion of the gentleman from Indiana to concur in the Senate amendment.

The question was taken; and there were—yeas 56, nays 179, answered "present" 7, not voting 148, as follows:

YEAS—56.

Akin, N. Y.	Good	Lenroot	Sells
Anderson, Minn.	Green, Iowa	Lindbergh	Sloan
Ashbrook	Griest	McLaughlin	Smith, Saml. W.
Bowman	Hanna	Miller	Steenerson
Burke, S. Dak.	Hawley	Moss, Ind.	Stephens, Cal.
Copley	Helgesen	Mott	Stevens, Minn.
Crumpacker	Hughes, W. Va.	Norris	Towner
Curry	Kendall	Patton, Pa.	Vare
Davis, Minn.	Kennedy	Pickett	Volstead
Donohoe	Kent	Prince	Wedemeyer
Francis	Kinkaid, Nebr.	Prouty	Whitacre
French	Lafean	Rees	Wilson, Ill.
Fuller	Lafferty	Roberts, Mass.	Woods, Iowa
Gardner, N. J.	La Follette	Rucker, Colo.	Young, Kans.

NAYS—179.

Adair	Finley	Kinkead, N. J.	Reilly
Adamson	Flood, Va.	Kitchin	Robinson
Alexander	Floyd, Ark.	Knowland	Rodenberg
Allen	Foss	Konig	Rothermel
Anderson, Ohio	Foster	Korbly	Rouse
Ansberry	Fowler	Lamb	Rubey
Austin	Gallagher	Lee, Ga.	Russell
Barchfeld	Gardner, Mass.	Lee, Pa.	Shackleford
Bartholdt	George	Lever	Sharp
Bathrick	Gillett	Linthicum	Simmons
Beall, Tex.	Glass	Littlepage	Sisson
Blackmon	Godwin, N. C.	Lloyd	Slayden
Boehne	Goeke	Lobeck	Small
Brantley	Goodwin, Ark.	Longworth	Smith, Tex.
Broussard	Graham	McCoy	Speer
Buchanan	Gray	McCreary	Stanley
Bulkley	Greene, Mass.	McDermott	Stedman
Burke, Wis.	Gregg, Pa.	McKellar	Stephens, Nebr.
Burleson	Gregg, Tex.	McKinley	Stephens, Tex.
Burnett	Gudger	McKinney	Sterling
Byrns, Tenn.	Hamill	McMorran	Stone
Calder	Hamlin	Maguire, Nebr.	Sulloway
Candler	Hammond	Maher	Sulzer
Cannon	Hardy	Mann	Sweet
Carlin	Harrison, Miss.	Martin, Colo.	Switzer
Claypool	Harrison, N. Y.	Mondell	Taggart
Clayton	Haugen	Moore, Pa.	Talcott, N. Y.
Cline	Hay	Morrison	Taylor, Colo.
Connell	Hayden	Murray	Taylor, Ohio.
Conry	Heflin	Needham	Thayer
Cox, Ind.	Henry, Tex.	Neeley	Tilson
Crago	Hensley	Oldfield	Townsend
Cravens	Holland	O'Shaunessy	Tribble
Curley	Houston	Padgett	Tuttle
Davis, W. Va.	Howard	Page	Underwood
Dent	Howland	Payne	Utter
Dickinson	Hull	Pepper	Watkins
Difenderfer	Humphrey, Wash.	Plumley	Webb
Dixon, Ind.	Humphreys, Miss.	Post	White
Doremus	Jacoway	Pou	Willis
Doughton	James	Pray	Wilson, Pa.
Driscoll, D. A.	Johnson, Ky.	Rainey	Witherspoon
Estopinal	Johnson, S. C.	Raker	Young, Mich.
Evans	Jones	Ransdell, La.	The Speaker
Fergusson	Kahn	Rauch	

ANSWERED "PRESENT"—7.

Berger	Butler	Hill	Parran
Browning	Dwight	Mays	

NOT VOTING—148.

Aiken, S. C.	Catlin	Edwards	Hayes
Ainey	Clark, Fla.	Ellerbe	Heald
Ames	Collier	Esch	Helm
Andrus	Cooper	Fairchild	Henry, Conn.
Anthony	Covington	Faison	Higgins
Ayres	Cox, Ohio	Farr	Hinds
Barnhart	Cullop	Ferris	Hobson
Bartlett	Currier	Fields	Howell
Bates	Dalzell	Fitzgerald	Hughes, Ga.
Bell, Ga.	Danforth	Focht	Hughes, N. J.
Booher	Daugherty	Fordney	Jackson
Borland	Davenport	Fornes	Kindred
Bradley	Davidson	Garner	Konop
Brown	De Forest	Garrett	Kopp
Burgess	Denver	Goldfogle	Langham
Burke, Pa.	Dickson, Miss.	Gould	Langley
Byrnes, S. C.	Dies	Guernsey	Lawrence
Callaway	Dodds	Hamilton, Mich.	Legare
Campbell	Draper	Hamilton, W. Va.	Levy
Cantrill	Driscoll, M. E.	Hardwick	Lewis
Carter	Dupré	Harris	Lindsay
Cary	Dyer	Hartman	Littleton

Loud	Murdock	Roberts, Nev.	Stack
McCall	Nelson	Roddenbery	Stephens, Miss.
McGillicuddy	Nye	Rucker, Mo.	Talbott, Md.
McGuire, Okla.	Olmsted	Sabath	Taylor, Ala.
McHenry	Palmer	Saunders	Thistlewood
McKenzie	Patten, N. Y.	Scully	Thomas
Macon	Peters	Sheppard	Turnbull
Madden	Porter	Sherley	Underhill
Martin, S. Dak.	Powers	Sherwood	Vreeland
Matthews	Pujo	Sims	Warburton
Moon, Pa.	Randell, Tex.	Slemp	Weeks
Moon, Tenn.	Redfield	Smith, J. M. C.	Wilder
Moore, Tex.	Reyburn	Smith, Cal.	Wilson, N. Y.
Morgan	Richardson	Smith, N. Y.	Wood, N. J.
Morse, Wis.	Riordan	Sparkman	Young, Tex.

So the motion to concur in the Senate amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SIMS with Mr. HARRIS.

Mr. MAYS with Mr. THISTLEWOOD.

For the vote:

Mr. JACKSON (to concur) with Mr. HUGHES of New Jersey (against).

Mr. MAYS. Mr. Speaker, I wish to change my vote from "nay" to "present."

The name of the gentleman from Florida [Mr. MAYS] was called, and he voted "present."

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The amendment of the gentleman from Indiana [Mr. CRUMPACKER] is rejected, and that carries with it the motion of the gentleman from Alabama [Mr. UNDERWOOD] to disagree to the Senate amendment.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the motion to concur in the Senate amendment was rejected was laid on the table.

EXCISE TAX.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21214, known as the excise-tax bill, for the purpose of considering the Senate amendments, and, pending that motion, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Senate amendments to the excise bill, and, pending that, he asks unanimous consent that the amendments may be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. PAYNE. Mr. Speaker, I want to say to the gentleman that I have no objection to that order. I want a separate vote on amendments Nos. 12 and 13, one with reference to the repeal of the reciprocity act and one with reference to the Tariff Board.

Mr. UNDERWOOD. There will be no objection on my part to the gentleman getting that.

The SPEAKER. What is the agreement?

Mr. UNDERWOOD. I have just stated to the gentleman from New York [Mr. PAYNE] that there would be no attempt to prevent his getting a separate vote on those amendments.

The SPEAKER. The gentleman from New York [Mr. PAYNE] gives notice that he desires a separate vote on amendments numbered 12 and 13, one on reciprocity and one on the Tariff Board.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is it not true that a separate vote would have to be taken on every amendment except by unanimous consent otherwise?

The SPEAKER. The Chair did not understand.

Mr. UNDERWOOD. I think the gentleman is correct about it.

Mr. MANN. Would not a separate vote have to be taken on every amendment except by unanimous consent otherwise?

The SPEAKER. The Chair thinks so. Is there objection to the motion of the gentleman from Alabama [Mr. UNDERWOOD]? [After a pause.] The Chair hears none. The Clerk will report the first amendment.

Mr. PAYNE. Mr. Speaker, one or two gentlemen who have spoken on the other bill desire unanimous consent to extend their remarks in the RECORD. I do not ask it for myself.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that those gentlemen who spoke on the wool bill when it was pending before the House have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all Members who spoke on the wool bill shall have five legislative days in which to extend their remarks in the RECORD on the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments to the excise bill.

Mr. UNDERWOOD. Mr. Speaker, unless there is a desire on the part of some gentlemen on the other side of the House to have a vote on the other amendments to this bill—and most of them are technical amendments, except the two amendments indicated by the gentleman from New York, namely, 12 and 13—I ask unanimous consent to disagree to the other Senate amendments.

The SPEAKER. The gentleman from Alabama asks unanimous consent to disagree to all the Senate amendments except those as to reciprocity and the Tariff Board. Is there objection?

There was no objection.

Mr. UNDERWOOD. Now, Mr. Speaker, if the gentleman from New York desires to make his motion——

Mr. PAYNE. Mr. Speaker, I move that the House concur in the amendment numbered 12.

Mr. UNDERWOOD. Now, on that motion I would like to agree with the gentleman from New York as to how much time he wants.

Mr. PAYNE. No gentleman has spoken to me in regard to time. I do not know of anyone who wishes it, unless it is the gentleman from Illinois [Mr. MANN].

Mr. UNDERWOOD. If no gentleman on that side desires time, I would like to have a vote.

Mr. PAYNE. I do not know whether any gentleman desires time or not.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks on amendment numbered 12 in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Connecticut [Mr. HILL] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on amendment numbered 12.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] submits a similar request. Is there objection?

There was no objection.

Mr. CALDER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on amendment No. 12. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask unanimous consent that gentlemen who desire to speak on amendment No. 12, the repeal of the Canadian reciprocity pact, may have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all gentlemen who desire to do so may have five legislative days in which to extend their remarks in the RECORD on the Canadian reciprocity pact. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House concur in Senate amendment No. 12.

Mr. UNDERWOOD. I ask for a vote, Mr. Speaker, if gentlemen do not desire to discuss the amendment.

Mr. PAYNE. I ask for the yeas and nays on the proposition.

The SPEAKER. Is this the reciprocity amendment that is to be voted on now?

Mr. PAYNE. Yes; it is the repeal of the reciprocity bill.

Mr. TOWNSEND. Mr. Speaker, I ask that the amendment be reported.

The SPEAKER. The gentleman from New Jersey [Mr. TOWNSEND] asks that the amendment be reported. Without objection, the Clerk will report Senate amendment No. 12.

There was no objection.

The Clerk read the amendment, as follows:

(12) SEC. 11. That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed: *Provided*, That

from and after the passage of this act the duty on chemical wood pulp shall be one-twelfth of 1 cent per pound, dry weight, if unbleached, and one-eighth of 1 cent per pound if bleached, and the duty on printing paper as described in paragraph 409 of the act approved August 5, 1909, shall be one-tenth of 1 cent per pound if valued at not above 3 cents per pound, two-tenths of 1 cent per pound if valued above 3 cents and not above 5 cents per pound, and 7½ per cent ad valorem if valued above 5 cents per pound.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves to concur in Senate amendment numbered 12, and on that motion he demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of repealing the reciprocity pact will vote "yea" when their names are called; those opposed will vote "nay."

The question was taken; and there were—yeas 107, nays 126, answered "present" 8, not voting 149, as follows:

YEAS—107.

Akin, N. Y.	Gillett	Lindbergh	Sells
Anderson, Minn.	Godwin, N. C.	Longworth	Sharp
Ashbrook	Good	McCreary	Simmons
Austin	Graham	McKinley	Sloan
Barchfeld	Green, Iowa	McKinney	Smith, Saml. W.
Bartholdt	Greene, Mass.	McLaughlin	Speer
Bathrick	Griest	McMorran	Steenerson
Bowman	Gudger	Miller	Stephens, Cal.
Broussard	Hammond	Moore, Pa.	Sterling
Burke, S. Dak.	Hanna	Mott	Stevens, Minn.
Burke, Wis.	Haugen	Needham	Stone
Cannon	Hawley	Neeley	Sulloway
Claypool	Heald	Norris	Switzer
Copley	Helgesen	Page	Taylor, Ohio
Crago	Howland	Patton, Pa.	Towner
Crumpacker	Hughes, W. Va.	Payne	Utter
Curry	Humphrey, Wash.	Pickett	Vare
Davis, Minn.	Kahn	Plumley	Volstead
Difenderfer	Kendall	Pou	Webb
Doughton	Kennedy	Pray	Wedemeyer
Foss	Kent	Prince	Whitacre
Foster	Kinkaid, Nebr.	Prouty	Willis
Fowler	Knowland	Rees	Wilson, Ill.
French	Lafean	Roberts, Mass.	Woods, Iowa
Fuller	Lafferty	Rodenberg	Young, Kans.
Gardner, Mass.	La Follette	Rubey	Young, Mich.
Gardner, N. J.	Lenroot	Rucker, Colo.	

NAYS—126.

Adair	Fergusson	Kinkead, N. J.	Reilly
Adamson	Finley	Kitchin	Robinson
Alexander	Flood, Va.	Konig	Rothermel
Allen	Floyd, Ark.	Korbly	Rouse
Anderson, Ohio	Francis	Lamb	Russell
Ansberry	Gallagher	Lee, Ga.	Shackleford
Beall, Tex.	George	Lee, Pa.	Sims
Berger	Goeke	Lever	Sisson
Blackmon	Goodwin, Ark.	Linthicum	Slayden
Boehne	Gray	Littlepage	Small
Buchanan	Gregg, Pa.	Lloyd	Smith, Tex.
Bulkley	Gregg, Tex.	Lobeck	Stanley
Burleson	Hamill	McCall	Stedman
Burnett	Hamlin	McCoy	Stephens, Nebr.
Byrns, Tenn.	Hardy	McDermott	Stephens, Tex.
Calder	Harrison, Miss.	McKellar	Sweet
Candler	Harrison, N. Y.	Maguire, Nebr.	Taggart
Clayton	Hay	Maher	Talcott, N. Y.
Cline	Hayden	Mann	Taylor, Colo.
Connell	Heflin	Martin, Colo.	Thayer
Conry	Henry, Tex.	Morrison	Tilson
Cox, Ind.	Hensley	Moss, Ind.	Townsend
Cullop	Holland	Murray	Tribble
Curley	Houston	Oldfield	Tuttle
Davis, W. Va.	Howard	O'Shaunessy	Underwood
Dent	Hull	Padgett	Watkins
Dixon, Ind.	Humphreys, Miss.	Pepper	White
Donohoe	Jacoway	Post	Wilson, Pa.
Doremus	James	Rainey	Witherspoon
Driscoll, D. A.	Johnson, Ky.	Raker	The Speaker
Estopinal	Johnson, S. C.	Ransdell, La.	
Evans	Jones	Rauch	

ANSWERED "PRESENT"—8.

Browning	Catlin	Glass	Mays
Butler	Dwight	Hill	Parran

NOT VOTING—149.

Aiken, S. C.	Clark, Fla.	Esch	Hinds
Ainey	Collier	Fairchild	Hobson
Ames	Cooper	Faison	Howell
Andrus	Covington	Farr	Hughes, Ga.
Anthony	Cox, Ohio	Ferris	Hughes, N. J.
Ayres	Cravens	Fields	Jackson
Barnhart	Currier	Fitzgerald	Kindred
Bartlett	Dalzell	Focht	Konop
Bates	Danforth	Fordney	Kopp
Bell, Ga.	Daugherty	Fornes	Langham
Booher	Davenport	Garner	Langley
Borland	Davidson	Garrett	Lawrence
Bradley	De Forest	Goldfogle	Legare
Brantley	Denver	Gould	Levy
Brown	Dickinson	Guernsey	Lewis
Burgess	Dickson, Miss.	Hamilton, Mich.	Lindsay
Burke, Pa.	Dies	Hamilton, W. Va.	Littleton
Byrnes, S. C.	Dodds	Hardwick	Loud
Callaway	Draper	Harris	McGillicuddy
Campbell	Driscoll, M. E.	Hartman	McGuire, Okla.
Cantrill	Dupré	Hayes	McHenry
Carlin	Dyer	Helm	McKenzie
Carter	Edwards	Henry, Conn.	Macon
Cary	Ellerbe	Higgins	Madden
Martin, S. Dak.	Peters	Scully	Thistlewood
Matthews	Porter	Sheppard	Thomas
Mondell	Powers	Sherley	Turnbull
Moon, Pa.	Pujo	Sherwood	Underhill
Moon, Tenn.	Randell, Tex.	Slemp	Vreeland
Moore, Tex.	Redfield	Smith, J. M. C.	Warburton
Morgan	Reyburn	Smith, Cal.	Weeks
Morse, Wis.	Richardson	Smith, N. Y.	Wilder
Murdock	Riordan	Sparkman	Wilson, N. Y.
Nelson	Roberts, Nev.	Stack	Wood, N. J.
Nye	Roddenbery	Stephens, Miss.	Young, Tex.
Olmsted	Rucker, Mo.	Sulzer	
Palmer	Sabath	Talbott, Md.	
Patten, N. Y.	Saunders	Taylor, Ala.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "nay," as above recorded.

So the motion to concur in Senate amendment No. 12 was lost.

The Clerk announced the following additional pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

On the vote:

Mr. PETERS with Mr. FARR.

Mr. JACKSON (for repeal) with Mr. HUGHES of New Jersey (against).

Until further notice:

Mr. SULZER with Mr. MATTHEWS.

Mr. PUJO with Mr. MCGUIRE of Oklahoma.

Mr. RODDENBERY with Mr. J. M. C. SMITH.

Mr. BRANTLEY with Mr. MARTIN of South Dakota.

Mr. COLLIER with Mr. MONDELL.

Mr. DWIGHT. Mr. Speaker, I voted "yea," but I find that I am paired with my colleague from New York, Mr. LITTLETON, and I wish to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. DWIGHT, and he answered "Present."

Mr. STERLING. Mr. Speaker, am I recorded as voting?

The SPEAKER. The gentleman is recorded.

The result of the vote was announced as above recorded.

The SPEAKER. The motion to concur in the Senate amendment is lost, which is equivalent to the adoption of a motion to disagree.

Mr. PAYNE. Mr. Speaker, I ask that Senate amendment No. 13 be reported.

The Clerk read the amendment, as follows:

(13) SEC. 12. That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the first day of October, A. D. 1912, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States

which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendment; and if no gentleman desires to speak——

Mr. LONGWORTH. I should like to ask the gentleman a question. Will the gentleman yield?

Mr. PAYNE. I will.

Mr. LONGWORTH. I desire to know if this amendment is in the same language as the bill that passed the Senate on the 3d of last March and came over to the House and was beaten in the closing days of the session?

Mr. PAYNE. It is substantially the same bill, but not exactly. There is a provision in this which I think was not in the bill to which the gentleman refers. That provision is that the board shall report to either House of Congress.

Mr. LONGWORTH. That was in that bill.

Mr. PAYNE. Then I think it is substantially the same bill.

Mr. LONGWORTH. It is the Tariff Board bill.

Mr. PAYNE. Yes.

Mr. UNDERWOOD. Mr. Speaker, I desire to occupy the time of the House but five minutes.

I wish to say to the House that this amendment placed on the excise bill is an amendment to enact into law the Tariff Board provision that the House has voted on several times before. It is to enact into law the same Tariff Board provision that was proposed in the last Congress, practically, and that has been proposed in this Congress.

I have an objection to this legislation, and had the same objection to the proposal to repeal the Canadian reciprocity treaty being included in this excise tax bill. The excise bill has been agreed to by the Senate. It has been agreed to by this House. It is the greatest piece of remedial legislation for the benefit of the masses of the American people that has been passed in a quarter of a century. [Applause on the Democratic side.]

It proposes to put fifty million or sixty million dollars of the burdens of taxation on the wealth of the country, and to enable the Congress to remove it from the backs of the American people. [Applause.] I think if you had voted a few minutes ago to put a provision in this bill to repeal the Canadian reciprocity pact, you would have sent the bill to the President of the United States expecting a veto as soon as it got there. You would have rung its death knell before you sent it from your hands, and I do not think we ought to jeopardize this bill by putting any amendments on it that are foreign to the real purpose of this act.

In the next place the Senate, under the Constitution of the United States, has no right to originate tariff legislation. This is a proposition that is not germane to the original bill, that has no right on it and no place on it. The gentlemen on that side of the House who believe in a Tariff Board, if they are honest and earnest on that question, have a fair forum in which to fight their battles. They have their proposition on the sundry civil bill to-day. They can fight it out on the sundry civil bill, which is one of the great supply bills of this country. They do not need to jeopardize this great excise-tax bill by trying to complicate its provisions by putting upon it amendments to which they know this side of the House can not agree.

As to the Tariff Board proposition itself, this side of the House has met that issue fairly, and its proposition on that subject will become a law. When the legislative bill was before the House we provided for a bureau of domestic and foreign commerce in the Department of Commerce and Labor. That amendment was adopted by the House, and I understand it stands in the bill ratified by the Senate. In that provision for a bureau of domestic and foreign commerce is a paragraph authorizing the bureau to do absolutely all the investigation that is provided for in this bill and providing that it shall report to Congress.

Mr. GILLETT. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GILLETT. In that provision was there any larger appropriation given than always has been given for the performance of the functions of the Bureau of Manufactures? Therefore, is there any way for it to do any tariff work?

Mr. UNDERWOOD. There is no appropriation in this proposition at all; and as to the appropriation, it must go to the gentleman's committee anyhow to get the money. The Committee on Ways and Means have no control of appropriations.

Mr. GILLETT. But the provision which the gentleman speaks of does not make any appropriation at all, beyond such as has always been given for the Bureau of Manufactures.

Mr. UNDERWOOD. But it puts the law there, and when the Secretary calls on Congress for the appropriation I have no doubt it will be given. This provision could not work unless Congress gave the money, so there is nothing in that contention at all. But the gentleman from Massachusetts [Mr. GILLETT] knows, because he is on the conference committee, that my statement is correct when I say that in that bill there is a provision, put there by this Democratic House, authorizing as full and as ample investigation as to all facts on which a tariff bill could be written as is provided in this amendment. It provides that the report shall be made to this House, and there is no reason for your adopting this amendment unless you want to jeopardize the passage and the approval of an honest bill. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, the provision in the legislative appropriation bill referred to by the gentleman from Alabama was not an extension of authority to make investigations, but was a restriction of existing authority. It provided for one bureau instead of two that now exist, and instead of increasing the chance to obtain information it decreases the opportunity. The gentleman's excuse for opposing this amendment is the most peculiar excuse that he has ever been called upon to make. With the Senate in favor of the proposition, with the President of the United States known to be in favor of it, he says the House should disagree to the amendment for fear that by agreeing to it we will jeopardize the bill. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman from Illinois misunderstood my statement. I said that it was put on here for the purpose of jeopardizing this bill; that the man who placed it on here knew that this side of the House was opposed to the passage of it. [Applause on the Democratic side.]

Mr. MANN. But no gentleman on the other side of the House can excuse himself for voting against the amendment on the ground that it may jeopardize the bill. If that side of the House to-day, with the opportunity before it, agrees to this amendment, the final approval of the President of the United States is already written upon the law. [Applause on the Republican side.] Gentlemen over there are jeopardizing the bill by refusing to accept a proposition which the gentleman from Alabama [Mr. UNDERWOOD] himself only a year ago favored in the Committee on Ways and Means and in the House. It is the same proposition reported from the Committee on Ways and Means in the last Congress by a unanimous vote. [Applause on the Republican side.] But now the gentleman is afraid of his own shadow, afraid he will jeopardize the bill by adding an amendment to it that all Republicans are in favor of.

Mr. UNDERWOOD. I should like to ask the gentleman a question. The gentleman is the leader of the Republicans. He is the mouthpiece, or should be, of the administration. I want to ask him if we agree to put this amendment No. 12, repealing the Canadian reciprocity, onto this excise tax bill, does the gentleman from Illinois believe the President of the United States would sign it?

Mr. MANN. We have disposed of that amendment. [Laughter on the Democratic side.] That is a last year's bird's nest. The gentleman hides behind that amendment in an endeavor to defeat this amendment. I do not wonder that he is afraid to meet the issue on this amendment, and seeks to divert attention to the other amendment. This amendment is now before the House.

Mr. UNDERWOOD. But the gentleman has not yet answered my question.

Mr. MANN. And if the gentlemen on that side of the aisle are in favor of a tariff board, let them vote for this amendment. If they are opposed to a tariff board, let them vote against the amendment.

Mr. UNDERWOOD. But the gentleman has not yet answered my question. I am inquiring for information, and I am going to the source of authority.

Mr. MANN. I do not know, if that is what the gentleman wants to know. But if the gentleman desires to advance the passage of this bill, if he wants to make it so that Republicans can support and defend it, so that a Republican President can approve it, so that a Republican Senate will agree to it, let him yield now his fear and go back to where he stood a year ago and vote for the proposition which he then favored and which we all now favor. [Applause on the Republican side.]

The SPEAKER. The question is on the motion of the gentleman from New York to concur in the Senate amendment.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 130, answered "present" 8, not voting 153, as follows:

YEAS—99.

Anderson, Minn.	Greene, Mass.	McKinney	Smith, Saml. W.
Austin	Griest	McLaughlin	Speer
Barchfeld	Hammond	McMorran	Steenerson
Bartholdt	Hanna	Mann	Stephens, Cal.
Berger	Hawley	Miller	Sterling
Bowman	Heald	Mondell	Stevens, Minn.
Burke, S. Dak.	Helgesen	Moore, Pa.	Sulloway
Burke, Wis.	Howland	Morrison	Sweet
Calder	Hughes, W. Va.	Moss, Ind.	Switzer
Cannon	Humphrey, Wash.	Mott	Talcott, N. Y.
Copley	Kahn	Needham	Taylor, Ohio
Crago	Kendall	Norris	Tilson
Crumpacker	Kennedy	Patton, Pa.	Towner
Curry	Kent	Payne	Utter
Davis, Minn.	Kinkaid, Nebr.	Pickett	Vare
Donohoe	Kinkead, N. J.	Plumley	Volstead
Doremus	Knowland	Pray	Wedemeyer
Foss	Lafean	Prince	Whitacre
French	La Follette	Prouty	White
Fuller	Lee, Pa.	Rees	Willis
Gardner, Mass.	Lenroot	Roberts, Mass.	Wilson, Ill.
Gardner, N. J.	Lindbergh	Rodenberg	Woods, Iowa
Gillett	Longworth	Sells	Young, Kans.
Good	McCreary	Simmons	Young, Mich.
Green, Iowa	McKinley	Sloan	

NAYS—130.

Adair	Dixon, Ind.	Howard	Rauch
Adamson	Doughton	Hull	Reilly
Akin, N. Y.	Driscoll, D. A.	Humphreys, Miss.	Rothermel
Alexander	Estopinal	Jacoway	Rouse
Allen	Evans	James	Rubey
Anderson, Ohio	Fergusson	Johnson, Ky.	Rucker, Colo.
Ansberry	Finley	Johnson, S. C.	Russell
Ashbrook	Flood, Va.	Kitchin	Shackleford
Bathrick	Floyd, Ark.	Konig	Sharp
Beall, Tex.	Foster	Korbly	Sims
Blackmon	Fowler	Lee, Ga.	Sisson
Boehne	Francis	Linthicum	Small
Buchanan	Gallagher	Littlepage	Smith, Tex.
Bulkley	George	Lloyd	Stanley
Burleson	Godwin, N. C.	Lobeck	Stedman
Burnett	Goeke	McCoy	Stephens, Nebr.
Byrns, Tenn.	Goodwin, Ark.	McDermott	Stephens, Tex.
Candler	Graham	McKellar	Stone
Carlin	Gray	Maguire, Nebr.	Sulzer
Carter	Gregg, Pa.	Maher	Taggart
Claypool	Gregg, Tex.	Martin, Colo.	Taylor, Colo.
Clayton	Gudger	Murray	Thayer
Cline	Hamlin	Neeley	Townsend
Connell	Hardy	Oldfield	Tribble
Conry	Harrison, Miss.	O'Shaunessy	Tuttle
Cox, Ind.	Harrison, N. Y.	Padgett	Underwood
Cravens	Hay	Page	Watkins
Cullop	Hayden	Pepper	Webb
Curley	Heflin.	Post	Wilson, Pa.
Davis, W. Va.	Henry, Tex.	Pou	Witherspoon
Dent	Hensley	Rainey	The Speaker
Dickinson	Holland	Raker	
Difenderfer	Houston	Ransdell, La.	

ANSWERED "PRESENT"—8.

Brantley	Butler	Hill	Parran
Browning	Dwight	Mays	Sparkman

NOT VOTING—153.

Aiken, S. C.	Brown	Currier	Dyer
Ainey	Burgess	Dalzell	Edwards
Ames	Burke, Pa.	Danforth	Ellerbe
Andrus	Byrnes, S. C.	Daugherty	Esch
Anthony	Callaway	Davenport	Fairchild
Ayres	Campbell	Davidson	Faison
Barnhart	Cantrill	De Forest	Farr
Bartlett	Cary	Denver	Ferris
Bates	Catlin	Dickson, Miss.	Fields
Bell, Ga.	Clark, Fla.	Dies	Fitzgerald
Booher	Collier	Dodds	Focht
Borland	Cooper	Draper	Fordney
Bradley	Covington	Driscoll, M. E.	Fornes
Broussard	Cox, Ohio	Dupré	Garner
Garrett	Kopp	Morgan	Sherley
Glass	Lafferty	Morse, Wis.	Sherwood
Goldfogle	Lamb	Murdock	Slayden
Gould	Langham	Nelson	Slemp
Guernsey	Langley	Nye	Smith, J. M. C.
Hamill	Lawrence	Olmsted	Smith, Cal.
Hamilton, Mich.	Legare	Palmer	Smith, N. Y.
Hamilton, W. Va.	Lever	Patten, N. Y.	Stack
Hardwick	Levy	Peters	Stephens, Miss.
Harris	Lewis	Porter	Talbott, Md.
Hartman	Lindsay	Powers	Taylor, Ala.
Haugen	Littleton	Pujo	Thistlewood
Hayes	Loud	Randell, Tex.	Thomas
Helm	McCall	Redfield	Turnbull
Henry, Conn.	McGillicuddy	Reyburn	Underhill
Higgins	McGuire, Okla.	Richardson	Vreeland
Hinds	McHenry	Riordan	Warburton
Hobson	McKenzie	Roberts, Nev.	Weeks
Howell	Macon	Robinson	Wilder
Hughes, Ga.	Madden	Roddenbery	Wilson, N. Y.
Hughes, N. J.	Martin, S. Dak.	Rucker, Mo.	Wood, N. J.
Jackson	Matthews	Sabath	Young, Tex.
Jones	Moon, Pa.	Saunders	
Kindred	Moon, Tenn.	Scully	
Konop	Moore, Tex.	Sheppard	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "No."

So the motion to concur was rejected.

Mr. SLAYDEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. SLAYDEN. No.

The SPEAKER. The gentleman does not bring himself within the rule.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SLAYDEN with Mr. MATTHEWS.

Mr. ROBINSON with Mr. DRAPER.

Mr. LEVER with Mr. HENRY of Connecticut.

Mr. KINDRED with Mr. HIGGINS.

Mr. HAMILL with Mr. LAFFERTY.

Mr. COLLIER with Mr. KOPP.

Mr. BOOHER with Mr. SMITH of California.

Mr. SABATH with Mr. FARR.

Mr. LAMB with Mr. HAUGEN.

Mr. PETERS with Mr. MCCALL.

On the vote:

Mr. HUGHES of New Jersey (against) with Mr. JACKSON (to concur).

The result of the vote was announced as above recorded.

The SPEAKER. The motion of the gentleman from New York to concur having been defeated, that carries with it the proposition to disagree.

Mr. UNDERWOOD. Mr. Speaker, I move to reconsider the votes and to lay that motion on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. UNDERWOOD. Now, Mr. Speaker, I move the House ask for a conference with the Senate on the disagreeing votes on the excise bill.

The SPEAKER. The gentleman from Alabama moves that the House ask for a conference on the excise bill.

The motion was agreed to.

The SPEAKER announced the following conferees:

Mr. UNDERWOOD, Mr. HULL, Mr. PALMER, Mr. PAYNE, and Mr. MCCALL.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in South Hilo, county of Hawaii, Territory of Hawaii; and

H. R. 16518. An act for the relief of the Fifth-Third National Bank of Cincinnati, Ohio.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 127. Joint resolution authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

SUGAR SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, under the unanimous-consent agreement of last evening I ask to take from the Speaker's table the sugar bill for present consideration in the House.

The SPEAKER. The gentleman from Alabama asks for the present consideration of the sugar bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The SPEAKER. The gentleman from Alabama asks unanimous consent for its present consideration.

Mr. MANN. That has already been given. I ask that the Senate amendment be read.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That six months from and after the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 216 and 217 of section 1 of an act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909.

"First. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete, and concentrated molasses, testing by the polariscope not above 75°, ninety-five one-hundredths of 1 cent per pound, and for each additional degree shown by the polariscope test, twenty-six one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40°, 20 per cent ad valorem; testing above 40° and not above 56°, 3 cents per gallon; testing above 56°, 6 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscope test: *Provided*, That every bag, barrel, or parcel in which sugar testing by the polariscope less than 99° is packed shall be plainly branded by the manufacturer or refiner thereof with the name of such manufacturer or refiner, and the polariscope test of the sugar therein contained, accurately within one-half of 1°, and a failure to brand any such bag, barrel, or parcel as herein required shall be deemed and taken to be a misbranding of food within the meaning of the act of June 30, 1906, entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.' And the requirements of this proviso shall not apply to any sugar shipped or delivered to a refiner to be refined before entering into consumption.

"Second. Maple sugar and maple sirup, 4 cents per pound; glucose or grape sugar, 1½ cents per pound; sugar cane in its natural state or unmanufactured, 20 per cent ad valorem; sugar cane defecated, shredded, artificially dried, or which has been subjected to any manufacturing or other process, 50 per cent ad valorem.

"Third. That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December, 1902, or the provisions of the act of Congress heretofore passed for the execution of the same, and that upon the taking effect of this act all acts and parts of acts in conflict with the provisions hereof shall be repealed."

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from New York moves that the House concur in the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, I have not a print of the bill before me, but I understand there is but one Senate amendment.

Mr. PAYNE. That is all.

The SPEAKER. That seems to be the case.

Mr. UNDERWOOD. Is that correct?

The SPEAKER. That is correct.

Mr. UNDERWOOD. Does the gentleman from New York desire to consume some time?

Mr. PAYNE. Mr. Speaker, I desire to use about five minutes. The bill has not been printed, except in the RECORD, and I think a word or two in regard to the changes that have been made will not be amiss. The bill eliminates the Dutch standard of test of sugar. Dr. Wiley testified not long since that for 20 years this test of the Dutch standard in color had not been used and had gone into an innocuous desuetude, and it made no difference whether it was used or not. On the contrary, there are some gentlemen who believe, with this test of color, there will come into use again what many of us remember from our boyhood days—an article of bright yellow sugar—that was bought by the farmers of the country, the mechanics, and so forth, and used in the family and took the place of the present white sugar. I remember when Gov. Gear was a member of the Committee on Ways and Means, when we were making the McKinley bill. He had a great deal to say in regard to restoring this sugar so that it might be purchased by the people of the country at a lower price than after going through the process of refining. Gentlemen believe this will restore that sugar to commerce of the country and consumption. If it does so, of course it would cheapen the price of sugar, and in order that people may know what kind of sugar they are buying when it is not refined, there is a provision in this bill that all packages containing sugar under 99 degrees of purity shall be labeled under the pure-food act, and that the penalties under that act shall apply so that the people of the country may know what sort of sugar they are buying and the degree of purity of that sugar. That becomes quite necessary, of course, if this sugar goes into use. This is not required for the sugar going into the refineries, because there is no necessity for it, and, of course, that will save money in the cost of refining the sugar. Some people believe it will save a good deal to the consumer. My faith is a little weak, but I am willing to accept that; and certainly there should be a difference in this sugar from that which goes in the melting pots to be refined.

Of course, gentlemen know sugar is produced in this country to the extent of 900,000 tons, 600,000 of beet sugar and 300,000 of cane, and that the islands, including Hawaii, produce some 800,000 or 900,000 tons. The total of the sugar that goes into the melting pots for refining is 2,800,000 tons, and 1,800,000 tons of that sugar comes from Cuba at 20 per cent less than the duties provided for sugar coming from other countries. In 1910 74,000 tons of sugar only were imported into this country which paid the full duty coming from other foreign countries than Cuba. Last year it was 199,000 tons because of the shortage of the crop in Cuba. The domestic production in Cuba is restricted to sugar used in the United States. The present duty on sugar is ninety-five one-hundredths of a cent per pound on sugar which is 75 degrees and less, with an additional duty for each additional degree of purity of thirty-five one-thousandths of 1 cent per pound; or, to put it down in English, 95 cents a hundred pounds and 3½ cents additional for each additional degree of sugar over 75 degrees. This amendment fixes the duty of 95 cents a hundred pounds of the 75-degree sugar and adds 2.6 cents per hundred pounds for every additional degree, so that the duty on sugar of 99 or 100 degrees would be 1.60 per hundred pounds. Now it is 1.90, so with that degree of purity of sugar 30 cents a hundred pounds is the reduction.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. I will have to ask five minutes more.

The SPEAKER. Is there objection to the request for the extension of the gentleman's time? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I have never been able to understand why a majority of the Committee on Ways and Means are seeking to separate the United States from all other civilized countries in the world by their endeavor to remove the duty on sugar and provide a revenue in some other way different from all other civilized countries. Every other civilized country has a revenue duty on sugar. Great Britain has 40 cents per hundred pounds, Denmark $1.22 per hundred pounds, and other countries have a larger duty than the United States under the present law.

It has always been recognized by economists as a splendid revenue duty, and never has it been departed from except for a short time under the McKinley bill, and under these circumstances and because the tariff revenue laws were producing such an immense amount of revenue that we had bought up all the bonds in sight in order to dispose of it, and were depositing the surplus of the Treasury in the national banks, and there was a great hue and cry over these accumulating deposits, and we were seeking to reduce the revenue, we took the duty off of sugar and protected the interest by a bounty in 1890. I think that that was a mistake. I am perfectly willing to acknowledge it when I discover that I have made a mistake. I voted for that, but I think it was a mistake economically and politically. It was a mistake as a public matter and a public question.

Now this committee takes off the duty on sugar entirely after we have increased the production of beet sugar from some 18,000 tons in 1890, when the McKinley bill was passed, to 606,000 tons under the protection that sugar has enjoyed since. We have reached that point where we can see clearly that in a few years we can produce all the sugar used in the United States in our own domestic industries and our possessions. We can now produce it all in our own domestic industries and our islands, except with the addition of the sugar that comes from Cuba at a lower rate of duty. There was no one demanding that the duty be taken off of the sugar except the sugar refiners, and they were very honest and frank about it. They said they wanted it because they wanted to destroy the beet-sugar industry. Why? That came into market for three months in the year and interfered with their markets in the Mississippi Valley. They marketed that "beet sugar right in our markets," as these refiners said, and they marketed it at a lower price, and consequently it cut down the price of the refined sugar, and it cut off the profits. So they were the ones who were asking before the Hardwick committee that the duty should be reduced or taken off of sugar entirely, just as they asked three years ago from the committee over which I had the honor to preside. They wanted it all taken off. Then they could get along without

any differential duty on refining. This bill takes off 7½ cents a hundred, the differential duty now that the refiner has had to protect him in the process of refining. He does not need it. The amendment takes it off, and I hope the amendment will be adopted.

The SPEAKER. The time of the gentleman from New York has expired.

The SPEAKER. The question is on agreeing to the amendment.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] wants five minutes.

The SPEAKER. The gentleman from Wisconsin is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, if the Democratic majority desired tariff legislation for the purpose of relieving taxation of the American people, they would vote to concur in this amendment now. They have no such desire, however. It has been made plain that their pressing of tariff legislation is for political purposes only, and it has been made especially plain to-day by the remarks of the gentleman from New York [Mr. HARRISON], concerning which I want to make a few comments.

He stated very frankly—I commend him for his candor and I have no doubt that he spoke for a majority of the Members on that side of the aisle—that he was not in favor of any tariff legislation going to the President of the United States unless that legislation was framed according to Democratic principles. Now, the gentleman knows that any tariff legislation going to the President of the United States based upon a tariff for revenue only will meet with a presidential veto, and the gentleman stated that he preferred to wait until after the 4th of next March before seriously attempting any tariff revision, because then he could secure the legislation squarely along Democratic lines. Now, I want to ask the other side, Mr. Speaker, if that is so, why they have pressed this legislation at all. [Applause on the Republican side.] Can they claim that they have been in good faith in doing so? Why was this bill reported out from the Committee on Ways and Means if they are in good faith and if the gentleman from New York spoke for the Democratic majority? He knows that unless this bill goes to the President carrying protective duties it will meet with a veto, and he knows that any bill meeting with a veto denies any relief to the American people. So, Mr. Speaker, those of us upon this side of the aisle who are in favor of real tariff revision propose by their votes this afternoon to say that we intend to reduce the cost of living to the American people now, while you gentlemen on the other side propose to wait until next year. [Applause on the Republican side.]

Now, Mr. Speaker, the gentleman made another statement. He said that it was the consumers and not the producers of the country that sent the Democratic majority here. Mr. Speaker, I know of but two classes of people in this country who are not producers but are consumers only. They are the idle rich and the hoboes, concerning whom my friend from Illinois [Mr. FOWLER] has often spoken so very eloquently [applause on the Republican side], and it was a matter of considerable surprise to me to have the gentleman from New York [Mr. HARRISON] assert that it was those classes—the idle rich and the hobo—that furnished the Democratic majority upon that side of the aisle. [Applause on the Republican side.] But, Mr. Speaker, we must remember that the gentleman comes from the great city of New York, and he is unfair to the Democratic Party in the country as a whole, because I know a great many good Democrats who are neither idle rich or hoboes.

But, Mr. Speaker, one other illustration to show the attitude of the Democratic Party. Nearly two months ago we had a steel schedule come back to this House with a reciprocity repeal attached to it.

There was an opportunity for you upon that side of the aisle—if you are sincere in wanting tariff revision now—to have concurred in that Senate amendment. It has gone into conference, and has been sleeping there for 60 days, and will sleep there until the end of the session; and you on that side of the aisle have now made a record of the fact that you prefer these high tariff duties upon steel products rather than to repeal reciprocity. You are wedded to the reciprocity issue, but you will find next November that as to many, many of you on that side of the aisle you will wish you could forget it. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, unless some gentleman on that side of the House desires to speak, I would like to ask unanimous consent to close debate in five minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the debate be closed in five minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Speaker, the proposition that is pending before the House is a Senate amendment to a House bill that places sugar on the free list and will give to the American people a reduction of practically 2 cents a pound on sugar. In place of that the Senate sends back to the House an amendment removing the Dutch standard and the differential from the present sugar schedule and reducing the present tariff tax on sugar from $1.90 a hundred pounds to $1.60 a hundred pounds.

Now, Mr. Speaker, the only way in which you can reduce the price of sugar is to produce competition, and I am satisfied in my own mind and from the testimony of everybody that I have heard on this subject that the reduction of this rate in this bill from $1.90 to $1.60 would not bring about that competition which would reduce the price of sugar to the American people. And yet the Senate bill will cost the Treasury of the United States $5,500,000 annually in loss of revenue.

Now, why should we incur a loss of $5,500,000 of revenue to the Treasury that will go into the coffers of the sugar refiners, and nobody else, unless you are going to reduce the price of sugar to the American consumer?

I am not in favor of the Senate bill. I do not think that any man that is in favor of a real reduction in the cost of living to the American people can stand for this bill under any circumstances. You pass this bill and let it become a law, and what will be the result? Before 60 days have passed you will find that sugar is selling to your constituents at the same price as it is to-day, and you will have given to the refiners of sugars in this country $5,500,000 out of the Treasury of the United States.

That is the legislation that the gentleman from New York [Mr. PAYNE] and the gentleman from Wisconsin [Mr. LENROOT] want you to agree to. [Applause on the Democratic side.] If you are going to deprive the Government of the United States of its revenue, then I say do it in such a way that the American people will get the benefit of the reduction. [Applause on the Democratic side.]

Do not let us go to the country with any subterfuge. Let us make an honest reduction. If you agree to the bills that we have passed, that we have offered to a Republican Senate, we will relieve the American people of $115,000,000 of burden that rests on them to-day by reason of this sugar tax [applause on the Democratic side], and we will put in place of it an excise-tax bill that will raise $60,000,000 and more than compensate the Treasury for the loss of the tax that we remove from sugar. We remove that tax of $115,000,000 from the American people and the consuming masses of the American people, and we place that tax on the wealth of this country, that can well bear the burden. [Applause on the Democratic side.]

That is the issue which the gentlemen on that side of the House ask you to-day to compromise. Can you go to your constituents with a compromise of that kind?

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a question at that point?

The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. I do.

Mr. LONGWORTH. Is it not a fact that all but two of the gentleman's own party voted for this precise proposition in the Senate?

Mr. UNDERWOOD. I do not know what the vote in the Senate is, or was, and I am not responsible for it.

Mr. COX of Indiana. And you do not care.

Mr. UNDERWOOD. I know what the vote of this House is, and this House represents the only Democratic body that is in authority in this Government. [Applause on the Democratic side.]

I want to say to the gentleman from Ohio [Mr. LONGWORTH] that this sugar bill that was passed by this House and this excise bill have met the approval of the Democratic Party in its convention. In the highest tribunal of the party these bills have received the approval of the Democratic masses of the people. [Applause on the Democratic side.]

Mr. LONGWORTH. Do I understand that the Members of the gentleman's party in the other body are out of touch with the Democratic sentiment in this country?

Mr. UNDERWOOD. I am not responsible for their action. I am not here to speak for them, but I am here to speak for the Democratic Party in this House on this question. [Applause on the Democratic side.] And I say that it would be a repudiation of the promises that we have made to the people, as confirmed by our convention, unless we insisted that the relief that we have demanded for the American people should be honestly carried out. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired. The question is on concurring in the Senate amendment.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 144, answered "present" 7, not voting 155, as follows:

YEAS—84.

Anderson, Minn.	Hanna	McLaughlin	Sloan
Austin	Hawley	McMorran	Smith, Saml. W.
Barchfeld	Heald	Mann	Speer
Bowman	Helgesen	Miller	Steenerson
Burke, S. Dak.	Howland	Mondell	Stephens, Cal.
Calder	Hughes, W. Va.	Moore, Pa.	Sterling
Cannon	Humphrey, Wash.	Mott	Stevens, Minn.
Copley	Kahn	Needham	Sulloway
Crago	Kendall	Norris	Sulzer
Davis, Minn.	Kennedy	Patton, Pa.	Switzer
Focht	Kent	Payne	Taylor, Ohio
Foss	Kinkaid, Nebr.	Pickett	Tilson
French	Knowland	Plumley	Towner
Fuller	Lafean	Pray	Utter
Gardner, Mass.	Lafferty	Prouty	Vare
Gardner, N. J.	La Follette	Rees	Wedemeyer
Gillett	Lenroot	Roberts, Mass.	Willis
Good	Longworth	Rodenberg	Wilson, Ill.
Green, Iowa	McCreary	Rucker, Colo.	Woods, Iowa
Greene, Mass.	McKinley	Sells	Young, Kans.
Griest	McKinney	Simmons	Young, Mich.

NAYS—144.

Adair	Dixon, Ind.	Houston	Rainey
Adamson	Donohoe	Howard	Raker
Akin, N. Y.	Doremus	Hull	Ransdell, La.
Alexander	Doughton	Humphreys, Miss.	Rauch
Allen	Driscoll, D. A.	Jacoway	Reilly
Anderson, Ohio	Estopinal	James	Robinson
Ansberry	Evans	Johnson, Ky.	Rothermel
Ashbrook	Fergusson	Johnson, S. C.	Rouse
Bathrick	Finley	Jones	Rubey
Beall, Tex.	Flood, Va.	Kinkead, N. J.	Russell
Blackmon	Floyd, Ark.	Kitchin	Shackleford
Boehne	Foster	Konig	Sharp
Brantley	Fowler	Korbly	Sims
Broussard	Francis	Lee, Ga.	Sisson
Buchanan	Gallagher	Lee, Pa.	Slayden
Bulkley	George	Lindbergh	Small
Burke, Wis.	Godwin, N. C.	Linthicum	Smith, Tex.
Burleson	Goeke	Littlepage	Stanley
Burnett	Goodwin, Ark.	Lloyd	Stedman
Byrns, Tenn.	Graham	Lobeck	Stephens, Nebr.
Candler	Gray	McCoy	Stephens, Tex.
Carlin	Gregg, Pa.	McDermott	Stone
Carter	Gregg, Tex.	McKellar	Sweet
Claypool	Gudger	Maguire, Nebr.	Talcott, N. Y.
Clayton	Hamill	Maher	Taylor, Colo.
Cline	Hamlin	Martin, Colo.	Thayer
Connell	Hammond	Morrison	Townsend
Conry	Hardy	Moss, Ind.	Tribble
Cox, Ind.	Harrison, Miss.	Murray	Tuttle
Cravens	Harrison, N. Y.	Neeley	Underwood
Cullop	Hay	Oldfield	Watkins
Curley	Hayden	Padgett	Whitacre
Davis, W. Va.	Heflin	Page	White
Dent	Henry, Tex.	Pepper	Wilson, Pa.
Dickinson	Hensley	Post	Witherspoon
Difenderfer	Holland	Pou	The Speaker

ANSWERED "PRESENT"—7.

Browning	Dwight	Mays	Volstead
Butler	Hill	Parran	

NOT VOTING—155.

Aiken, S. C.	Dickson, Miss.	Jackson	Prince
Ainey	Dies	Kindred	Pujo
Ames	Dodds	Konop	Randell, Tex.
Andrus	Draper	Kopp	Redfield
Anthony	Driscoll, M. E.	Lamb	Reyburn
Ayres	Dupré	Langham	Richardson
Barnhart	Dyer	Langley	Riordan
Bartholdt	Edwards	Lawrence	Roberts, Nev.
Bartlett	Ellerbe	Legare	Roddenbery
Bates	Esch	Lever	Rucker, Mo.
Bell, Ga.	Fairchild	Levy	Sabath
Berger	Faison	Lewis	Saunders
Booher	Farr	Lindsay	Scully
Borland	Ferris	Littleton	Sheppard
Bradley	Fields	Loud	Sherley
Brown	Fitzgerald	McCall	Sherwood
Burgess	Fordney	McGillicuddy	Slemp
Burke, Pa.	Fornes	McGuire, Okla.	Smith, J. M. C.
Byrnes, S. C.	Garner	McHenry	Smith, Cal.
Callaway	Garrett	McKenzie	Smith, N. Y.
Campbell	Glass	Macon	Sparkman
Cantrill	Goldfogle	Madden	Stack
Cary	Gould	Martin, S. Dak.	Stephens, Miss.
Catlin	Guernsey	Matthews	Taggart
Clark, Fla.	Hamilton, Mich.	Moon, Pa.	Talbott, Md.
Collier	Hamilton, W. Va.	Moon, Tenn.	Taylor, Ala.
Cooper	Hardwick	Moore, Tex.	Thistlewood
Covington	Harris	Morgan	Thomas
Cox, Ohio	Hartman	Morse, Wis.	Turnbull
Crumpacker	Haugen	Murdock	Underhill
Currier	Hayes	Nelson	Vreeland
Curry	Helm	Nye	Warburton
Dalzell	Henry, Conn.	Olmsted	Webb
Danforth	Higgins	O'Shaunessy	Weeks
Daugherty	Hinds	Palmer	Wilder
Davenport	Hobson	Patten, N. Y.	Wilson, N. Y.
Davidson	Howell	Peters	Wood, N. J.
De Forest	Hughes, Ga.	Porter	Young, Tex.
Denver	Hughes, N. J.	Powers	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted in the negative.

So the motion of Mr. PAYNE to concur in the Senate amendments was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SAUNDERS with Mr. CURRY.

Mr. O'SHAUNESSY with Mr. PRINCE.

Mr. REDFIELD with Mr. BARTHOLDT.

On this vote:

Mr. COVINGTON (against) with Mr. ESCH (to concur).

Mr. HUGHES of New Jersey (against) with Mr. JACKSON (to concur).

For the balance of the day:

Mr. WEBB with Mr. VOLSTEAD.

The result of the vote was announced as above recorded.

The SPEAKER. The motion of the gentleman from New York [Mr. PAYNE] to concur is lost, which is equivalent to a vote to nonconcur.

On motion of Mr. UNDERWOOD, a motion to reconsider the last vote was laid on the table.

Mr. UNDERWOOD. Mr. Speaker, I move that the House ask a conference with the Senate on the disagreeing votes of the two Houses on this bill.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. UNDERWOOD, Mr. HARRISON of New York, Mr. KITCHIN, Mr. PAYNE, and Mr. MCCALL.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 31, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, reported the same without amendment, accompanied by a report (No. 1116), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25035) granting to the Ozark Power & Water Co. authority to construct a dam across White River, Mo., reported the same without amendment, accompanied by a report (No. 1114), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26007) to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka, reported the same without amendment, accompanied by a report (No. 1115), which said bill and report were referred to the House Calandar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 8141) to further increase the efficiency of the Organized Militia of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 1117), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII:

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary, reported the same without amendment, accompanied by a report (No. 1113), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18531) granting a pension to Alloyed M. Smith and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOBSON: A bill (H. R. 26043) providing for the construction, erection, maintenance, and operation of a dam across the Sipsey River, in Pickens County, Ala., for the purpose of the development of water power; to the Committee on Interstate and Foreign Commerce.

By Mr. COVINGTON: A bill (H. R. 26044) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KENT: A bill (H. R. 26045) to establish a subport of entry and delivery at Fort Bragg, in the State of California; to the Committee on Ways and Means.

By Mr. CURRY: A bill (H. R. 26046) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes; to the Committee on Military Affairs.

By Mr. CURLEY: A bill (H. R. 26047) establishing compensation of certain customs officials; to the Committee on Ways and Means.

By Mr. AKIN of New York: Resolution (H. Res. 652) requesting information from the Secretary of the Interior and Secretary of Agriculture; to the Committee on Agriculture.

Also, resolution (H. Res. 653) requesting information from the Secretary of Agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 26048) for the relief of the estate of Richard W. Meade, deceased; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 26049) granting an increase of pension to Joseph A. Lupton; to the Committee on Pensions.

By Mr. CRAGO: A bill (H. R. 26050) granting a pension to Lennie Anne Shunk; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 26051) granting a pension to John Kennedy; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 26052) granting an increase of pension to Margaret L. Ramsey; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 26053) to correct the military record of William A. Blades; to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 26054) for the relief of the estate of John M. Wright, deceased; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 26055) granting a pension to Samuel H. Barr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26056) granting a pension to Minnie J. Cotrell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 26057) for the relief of Mathias Keith; to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 26058) granting a pension to Margaret Prescott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURRY: Petition of citizens within the Fort Sumner (N. Mex.) land district, favoring the withdrawal of the clause in the sundry civil appropriation bill abolishing the office of the receiver of the land office; to the Committee on Appropriations.

By Mr. FULLER: Petition of W. Atler Burfee, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that powder-house lot be used as a park by the city of St. Augustine; to the Committee on Military Affairs.

By Mr. MOTT: Petition of the Board of Trade of St. Augustine, Fla., for turning over of Government property for city park; to the Committee on Military Affairs.

By Mr. SULZER: Petition of W. Atlee Burpee, of Philadelphia, Pa., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the committee of Wholesale Grocers, New York, favoring reduction of tariff on all raw and refined sugar; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *July 31, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. LODGE. I ask that the further reading of the Journal be dispensed with.

Mr. CULBERSON. I object.

The PRESIDENT pro tempore. Objection is made. The reading will proceed.

The Secretary resumed the reading of the Journal.

Mr. SMOOT. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. LODGE. Objection has been made.

The PRESIDENT pro tempore. Objection has been made to the request.

Mr. CULBERSON. I object.

The PRESIDENT pro tempore. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

RADIO COMMUNICATION (S. DOC. NO. 888).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation in the sum of $27,880 to carry out the laws enacted concerning radio communication and the international convention upon the subject ratified at the present session of Congress, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., 140), with amendments, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the President pro tempore:

S. J. Res. 122. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald; and

S. J. Res. 127. Joint resolution authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

PETITION.

Mr. HITCHCOCK presented a petition of Local Lodge No. 349, Brotherhood of Railway Car Men of America, of South Omaha, Nebr., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Foreign Relations, to which was referred the bill (S. 7349) for the relief of Sargeant Prentiss Knut, administrator of the estate of Haller Knut, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 19339) granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public-park purposes, reported it without amendment and submitted a report (No. 992) thereon.

He also, from the same committee, to which was referred the bill (H. R. 20498) for the relief of certain homesteaders in Nebraska, reported it with an amendment and submitted a report (No. 993) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (H. R. 14333) for the relief of John Johnson, reported it without amendment and submitted a report (No. 994) thereon.

He also, from the same committee, to which was referred the bill (S. 7197) for the relief of the heirs of L. A. Davis, submitted an adverse report (No. 995) thereon, which was agreed to and the bill was postponed indefinitely.

Mr. ROOT, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 123) authorizing the President of the United States to invite foreign Governments to send representatives to the Fourth International Congress on School Hygiene, reported it without amendment.